FBIS DAILY REPORT

CONTENTS

Latin America

Vol VI No 182 19 September 1986

INTER-AMERICAN

Reportage Continues on GATT Talks in Uruguay A 1
Potential GATT Crisis Reported A 1
Increased Flexibility Noted A 2
EC Wants 'Balance of Benefits' [KYODO] A 3
Brazilian Official on Proposal A 4

ARGENTINA

Air Force Chief on Proposed Cosmonaut Project B 1
Diplomats Told To Avoid Chilean Celebrations B 1

BOLIVIA

Chamber President Vargas Meets Soviet Envoy C 1
Villalobos Vows To Respect Accord With Miners C 1

BRAZIL

Outcome of Wenceslao, Papuda Prison Riots D 1
5 Killed, 8 Hurt in PMDB-PDS Political Clash D 2

CHILE

Top Leader of Clandestine Opposition Arrested E 1

PARAGUAY

Galaverna Forced To Leave 'To Prevent Scandal' H 1

PERU

MRTA Claims Attack on Chilean Embassy J 1
More MRTA Attacks Reported J 1

MEXICO

Soviet Foreign Minister To Visit 3-7 October M 1
Government Signs Agreement With Paris Club M 1

CENTRAL AMERICA

EL SALVADOR

Further Reportage on Government, Rebel Dialogue P 1
Guerrillas Denounce Duarte [Venceremos] P 1
Rebels Deny Attendance at Sesori P 2
FMLN's Cienfuegos, Gonzalez P 2

Mediator Not To Go to Sesori P 3
FMLN-FDR Propose New Date [Venceremos] P 4
Viera on Delay P 4
Army To Remain in Sesori P 5

GUATEMALA

Cerezo Says No Guerrilla Dialogue Planned P 6
Support Group Meets With President Cerezo P 6
Vice President Discusses Regional Parliament P 7
Minister Announces Foreign Aid for Police P 8

NICARAGUA

U.S. 'Plans' To Aid Coordinating Board Scored P 9
Exiles File Countercharges at Hague Court P 10
[San Jose LA REPUBLICA 11 Sep]
Assembly Approves Constitutional Advisory Document P 11
PPSC Withdraws From Constitutional Debates P 12
Advisory Commission Issues Constitution Report P 13
[BARRICADA 10 Sep]

CUBA

GATT Debates Condemn U.S. Trade Policies Q 1
Reportage on PRC Parliamentarians' Visit Q 1
Delegation Arrives in Havana Q 1
Visit Foreign Ministry Q 1

DOMINICAN REPUBLIC

Diplomatic Relations Reestablished With Cuba R 1
Briefs: President Receives New Ambassadors R 1

REPORTAGE CONTINUES ON GATT TALKS IN URUGUAY

Potential GATT Crisis Reported

PY182332 Paris AFP in Spanish 1635 GMT 18 Sep 86

[By AFP special correspondent Yvan Chemla]

[Text] Punta del Este, 18 Sep (AFP) -- The North-South antagonism returned to the conference in Punta del Este where a potential crisis was being rumored this morning.

The European delegate, Willy de Clercq, told the press he would not bet the contents of his wallet on the success of the meeting. It is not known whether he was merely exaggerating or actually seriously contemplating the risk of failure.

According to a well-informed source, the main industrial powers and some 20 developing nations clashed seriously during a discreet meeting presided over by GATT Conference President Enrique Iglesias on the evening of 17 September. The issues discussed, namely the current situation of GATT, the dismantling of protectionist barriers and safeguard clauses, and textiles, are not among the most difficult stumbling blocks.

According to the same source the so-called Group of 10 -- the less flexible developing countries led by India and Brazil -- chose to make a stand regarding traditional topics so as to protect themselves, according to a delegate, from a defeat on the new issues (services and investment). According to a high-ranking Indian official, De Clercq said the Group of 10 presented amendments directed at laying a legal foundation, obtaining a broader protection and strict enforcement of the status quo, and tearing-down protectionist barriers.

The developing countries have proposed the drawing up of real protocols, trusting them more than a mere statement of political will of a general nature.

Another proposal was made concerning textiles. The underdeveloped countries have demanded the cancelation of the agreement on multfibers, which sets the quotas on the textiles trade, within the framework of the abandonment of customs barriers and the deregulation of this sector.

Concerning these two points, the Group of 10 met with opposition from the EEC and the United States, who along with Canada, Australia, Japan, India, Brazil, and Argentina, participated in the meeting.

Iglesias, who is expected to produce the act of commitment announced on Wednesday, this morning made an attempt to build a bridge between the Group of 10 and the Group of 47, which supports the ministerial statement proposals sponsored by Switzerland and Colombia.

But things seem to be centered on the thorny agricultural issue. The explanations exchanged between the EEC and Australia, one of the main leaders of the alliance of loyal exporters, foresees the possibility of speaking a common language, said de Clercq.

At the same time, the first meeting held this morning between French Agriculture Minister Francois Guillaume and his U.S. counterpart, Richard Lyng, ran relatively smoothly. Today, we agreed to try to solve the problem, said Lyng. Guillaume, confirming that the French position has not changed, felt that some progress has been made.

The differences between the French and the Americans mainly refer to export subsidies and timetables. The French do not want the negotiations to be focused only on subsidies and they do not want timetables set.

Increased Flexibility Noted

PY180235 Madrid EFE in Spanish 0738 GMT 17 Sep 86

[By Alberto Pepe Leira]

[Text] Punta del Este, 17 Sep (EFE) -- Industrial and developing countries have begun to adopt a more flexible position within the framework of GATT, and there is renewed optimism about a successful conclusion of the meeting next weekend with the launching of the eighth round of commercial negotiations.

While different countries continued to issue harsh speeches at the Punta del Este plenum, Uruguayan Foreign Minister Enrique Iglesias was chairing a series of meetings with the delegation chiefs to seek a consensus to solve the more controversial issues raised at this meeting.

Reliable sources have told EFE that the United States and other developed countries are willing to accept the holding of a round of negotiations parallel to the GATT to discuss the services issue. The United States had threatened to leave the GATT and fend for itself "if countries do not work to achieve an international economic equilibrium."

In view of the flexibility adopted by the industrialized group which also includes Japan, Canada, and the EEC, those groups that oppose inclusion of the services issue also began to experience a hopeful rapprochement.

Brazil, which heads the group that opposes discussion of the services issue within the GATT, has agreed to hold a parallel negotiation on this issue. During his speech to the plenum meeting, Brazilian Foreign Minister Roberto de Abreu Sodre implicitly admitted this "flexibility." The Brazilian foreign minister noted: "We are not opposed to the holding of parallel negotiations regarding the services issue," if they take into account those groups that prefer to undertake a multilateral action and also if they respect the overall position of countries like Brazil, which refuse to include the discussion of the services issue within the framework of GATT. De Abreu Sodre added: "We shall continue to work to achieve a consensus but we object to any efforts to impose solutions on us."

Efforts are now being concentrated so that nations like Cuba, Nicaragua, India, and Peru, which refuse to include discussion of the services issue within GATT, might adopt a more flexible position. But sources close to the special negotiations committee have noted that these countries would not reject the holding of a parallel discussion.

Cuban Deputy Trade Minister Alberto Betancur has expressed concern over the "pressures" being exerted on the Group of 10 regarding the services issue.

Indian Finance Minister Vishwanath Pratap Singh used similar terms when he said that "services, copyright, and investments do not belong to GATT."

In view of the secrecy that surrounds the negotiations carried out by the chiefs of delegations, experts who are studying the statement issued by each country noted the careful wording being used so as not to appear to be "backing down." All those countries that favor the inclusion of the services issue, as well as those that oppose it, reject the idea of including this discussion in the framework of the round of negotiations on trade, but none of them have expressed opposition to including it in a parallel discussion.

This parallel negotiation is reportedly already included in a draft declaration sponsored by Switzerland and Colombia. People are already working on this draft and it is gaining more and more support as negotiations progress.

Colombian Representative Felipe Jaramillo has said: "We believe that the discussions of the services issue would be carried out outside the framework of the trade talks."

EC Wants 'Balance of Benefits'

OW190155 Tokyo KYODO in English 0139 GMT 19 Sep 86

[By Masanori Kikuta]

[Text] Punta del Este, Uruguay, Sept. 18 [KYODO] -- The European Community (EC) formally proposed Thursday to take up a 'balance of benefits' in a new round of multilateral trade talks under the General Agreement of Tariffs and Trade (GATT) in a move viewed by Japan as targeted at countries with trade surpluses. The move came at a closed door meeting of delegation heads at a GATT ministerial session here, conference sources said.

An EC delegate told the meeting the EC wants a reference to 'better distribution of advantages' in world trade to be included in a GATT declaration to be issued at the end of the conference Friday, the sources said.

A Japanese delegate said present trade imbalances result from different economic performances of individual countries and that attempts to balance them through the GATT framework could lead to a planned economy, they said. The Japanese position was supported by New Zealand, Switzerland, Malaysia, Singapore, South Korea and Canada while the EC proposal was endorsed by only two countries, Senegal and Madagascar, they said.

Earlier in the day, Japan rejected an EC offer to jointly review the wording of a reference to the balance of benefits in the GATT declaration. The offer was made at a meeting between Japanese Foreign Minister Tadashi Kuranari and British Secretary of Trade and Industry Paul Channon, officials said.

Channon, whose country currently chairs the EC council, proposed to Kuranari that both sides reconsider the wording of the item for inclusion in the declaration to be issued Friday.

But Kuranari reiterated Japan's opposition to any reference to its trade surplus and urged Channon to drop the item. Channon replied he will inform Kuranari if a compromise formula can be found, the officials said.

The EC maintains that the current trading system based on GATT has led to an imbalance of benefits and that a "genuine" balance should be established through a new "Uruguay Round."

Brazilian Official On Proposal

PY180207 Brasilia Domestic in Portuguese 2200 GMT 17 Sep 86

[Excerpt] In the third day of the GATT meeting in Punta del Este, Uruguay, Brazil and nine other countries uphold the position of excluding the services issues from the next round of negotiations.

In an exclusive interview with EBN Reporter Alda Souza, Foreign Ministry Spokesman Rui Nogueira explained why Brazil upholds this position. He said that with a trade surpassing $42 million, Brazil is interested in safeguarding a multilateral and nondiscriminatory trade system.

[Begin Rui Nogueira recording] This is why the Brazilian delegation is in Montevideo seeking a consensus that will allow us to undertake a new round of trade negotiations which will result in the decrease of customs tarrifs and the compensatory rights which have undermined trade. [end recording]

Moreover, the Foreign Ministry spokesman noted that Brazil does not believe the GATT measures are adequate for regulating services. He also talked about the Brazilian proposal.

[Begin Rui Nogueira recording] Brazil has submitted a proposal which has the endorsement of other developing and EEC countries. It calls for a new round of negotiations within the framework of GATT to be restricted to the discussion of [words indistinct] trade and for a parallel ministerial meeting to be held to discuss the services issue but outside the framework of GATT. This meeting may be held in Geneva, at the same time the new round of negotiations are being carried out. [end recording]
[passage omitted]

AIR FORCE ON PROPOSED COSMONAUT PROJECT

PY110324 Buenos Aires NOTICIAS ARGENTINAS in Spanish 1620 GMT 10 Sep 86

[Quotation marks as received]

[Text] Parana, Entre Rios, 10 Sep (NA) -- Air Force Chief of Staff Brigadier General Ernesto Horacio Crespo today confirmed that the Soviet Union has offered the Argentine Government the possibility of training an Air Force pilot as a cosmonaut.

Crespo has stated that once the agreement is signed between the two countries, "a pilot will be selected for training." He also stated that it could be a veteran of the war for the sovereignty of the Malvinas Islands if this is called for in the agreement."

In comments he made in this city, where he presided over the ceremony honoring the Entre Rios Province Air Force members who died in the war with Great Britain over the Malvinas Islands, Crespo stated the Soviet offer had been made to the Argentine Government "as a way to strengthen ties" between the Air Forces of the two countries.

Finally, Crespo said: "The only thing that is lacking is for President Raul Alfonsin to outline the path we must follow."

DIPLOMATS TOLD TO AVOID CHILEAN CELEBRATIONS

PY190134 Buenos Aires DYN in Spanish 0106 GMT 19 Sep 86

[Text] Buenos Aires, 18 Sep (DYN) -- Argentine Government sources have reported that the heads of its diplomatic missions abroad have been instructed not to attend today's ceremonies commemorating Chilean independence day.

According to leaks from diplomatic sources, a circular letter has been sent to all Argentine ambassadors abroad instructing them to refrain from attending the ceremonies held in various capitals throughout the world to commemorate a new anniversary of Chile's independence.

Apparently, the Argentine Foreign Ministry also ordered that Argentine diplomats in Buenos Aires holding any rank above that of minister counselor, should not go to the Chilean Embassy in Buenos Aires where a reception will be held at noon today to commemorate independence day.

It was reported that Argentina's Ambassador in Chile Jose Maria Alvarez de Toledo, claimed "health reasons" to justify his absence from the Te Deum held in Santiago today.

CHAMBER PRESIDENT VARGAS MEETS SOVIET ENVOY

PY181958 La Paz La Red Panamericana in Spanish 1700 GMT 18 Sep 86

[Text] Deputy Willy Vargas, president of the Chamber of Deputies, this morning met with Soviet Charge d'Affaires Mikhail (N. Dianov). The meeting was attended by other members of the Chamber leadership.

The Soviet diplomat presented the Chamber president with Soviet publications on the USSR and on the Soviet way of life.

Expressing gratitude for the visit and for the gifts, Vargas said this is the best way to promote understanding among peoples, especially among those sharing common aspirations.

The Soviet diplomats reiterated their desire to cooperate with Bolivia, especially in preparing the upcoming third joint intergovernmental meeting to be held in Moscow. They said the respective agenda is now being prepared with the Bolivian Foreign and Planning Ministries in order to include specific points on which the USSR could cooperate with Bolivia.

Vargas emphasized the Soviet cooperation in the mines anbd metallurgy sector, and the Soviet charge d'affaires said the USSR seeks to expand its cooperation on nonferrous metals.

VILLALOBOS VOWS TO RESPECT ACCORD WITH MINERS

PY181625 La Paz La Red Panamericana in Spanish 1130 GMT 18 Sep 86

[Text] The mining and metallurgy minister will fully respect an agreement signed with the Trade Union Federation of Bolivian Mineworkers [FSTMB] under the sponsorship of the Catholic Church. Herewith a communique released yesterday by the minister:

Mining and Metallurgy Minister Jaime Villalobos hereby wishes to state that he will fully respect the agreement signed with the FSTMB under the sponsorship of the Catholic Church.

The minister believes the agreement will be instrumental in truly promoting the overall recovery of the Bolivian Mining Corporation.

In this regard, and in order to avoid misinterpretations, the mining minister wishes to state that dialogue and agreement are the appropriate tools to find real solutions to those problems affecting the workers and the mining industry.

OUTCOME OF WENCESLAO, PAPUDA PRISON RIOTS

PY171815 Madrid EFE in Spanish 1442 GMT 18 Sep 86

[By Zoilo Martinez de la Vega]

[Text] Sao Paulo, 18 Sep (EFE) -- The Forensic Institute today reported 12 inmates involved in riots on 16 September in the President Wenceslao prison in Sao Paulo State were beaten to death and not shot by the military police. After the postmortem examination, the Forensic Institute stated it did not find any bullet wounds but there was skull damage and multiple head, neck, arms and chest injuries as a result of lynching.

The institute also examined one of the four inmates who is in serious condition at a local hospital, and has said the inmate shows the same signs of violence as the dead inmates.

The police have reported 26 inmates were involved in the riot on the afternoon of 15 September and that 12 were killed, 4 were seriously injured, 5 had less serious wounds, and 5 were unhurt. This report clarified yesterday's vague reports of 16 deaths.

The circumstances involving the riot have also been clarified. The riot began on the afternoon of 15 September when several inmates took 18 employees -- including 3 women -- as hostages. The inmates used stilettos, knives, and a toy gun "so absurd that no one would believe it was a real weapon," said the hostages.

The inmates sprayed the clothes of the prison's chief of discipline with kerosene and threatened to set him on fire during the 24 hour negotiations between the inmates and the prison officials. The inmates demanded vehicles and machine guns with which to escape. After the negotiations failed in the afternoon of 16 September, the military police stormed the prison with the results already known, and liberated all the hostages unhurt.

It has also been reported that the inmates smoked marijuana which they found in the prison director's desk and also drank alcohol and sniffed ether which they obtained from the pharmacy.

The hostages refused to talk, but they confirmed that the inmates had no firearms.

Fabio Monteiro, the judge who has jurisdiction over prisons, has reported that the dead inmates were considered "highly dangerous" with sentences ranging from 35 to 249 years. He justified the intervention of the military police saying the order came from a "collegiate body" made up of himself; Public Security Secretary Eduardo Muylaert; Sao Paulo State Prisons Coordinator Omar Casin; and Military Police Commander Colonel Constantino Paredne. Monteiro pointed out that the "deaths do not discredit the police action" and that he would order the assault on the prison again, if necessary.

Both the judge and the coordinator have transferred the final responsibility of the action to the military police by saying: "Every time the prison's administration stops and the police are authorized to enter, the police take over all functions because they enter without knowing what they are going to find inside."

Colonel Theseo Bueno, the commander of the Sao Paulo Military Police, said: "If there were lynchings, the police did not do it." He has ordered an investigation.

In Brasilia, the riot of 14 inmates in the Papuda Prison, where 14 hostages were being held, ended well last night when officials allowed the inmates to escape. Today, the situation is normal and calm.

Federal District Governor Jose Aparecido negotiated with the inmates for the release of the hostages in exchange for three priests and three lawyers representing the inmates in addition to the necessary vehicles to escape and a 2 hour grace period before beginning the chase.

The inmates left the prison at 1800 and at 2200 after the six new hostages were already at home after being released in an undisclosed place. One of the hostages, the auxiliary bishop of Brasilia, Geraldo Avila, last night got a call from President Jose Sarney who thanked him for his mediation.

5 KILLED, 8 HURT IN PMDB-PDS POLITICAL CLASH

PY161409 Paris AFP in Spanish 0318 GMT 16 Sep 86

[Text] Belo Horizonte, 15 Sep (AFP) -- The police today said five persons were killed and another eight were wounded on 14 September, as a result of an armed clash between political groups in Itacambira, 670 km from Belo Horizonte.

The source added that militants of the ruling Brazilian Democratic Mobilization Party [PMDB], and of the opposition Social Democratic Party (PDS) fired at each other in the public square of Itacambira while shouting support for their candidates, who will run in the 15 November legislative elections.

TOP LEADER OF CLANDESTINE OPPOSITION ARRESTED

PY190255 Paris AFP in Spanish 0214 GMT 19 Sep 86

[Text] Santiago, 18 Sep (AFP) -- The Chilean Military Government today announced that the security services have turned over to the military court Claudio Enrique Molina Donoso, believed to be the fourth most important leader of the clandestine Manuel Rodriguez Patriotic Front (FPMR).

The Government Social Communications Agency (Dinacos) reported that the leftist attended advanced indoctrination courses on Marxism and Leninism in the Soviet Union and on guerrilla warfare in Cuba.

Dinacos issued a communique charging Molina Donoso with being one of the top FPMR leaders who participated in the planning and bringing ashore of a shipnment of arms, explosives, and other material discovered 2 months ago in northern Chile. The communique added that the leader of the FPMR, which according to the government is an armed branch of the Communist Party, participated in the distribution of the material in the Santiago area and in other Chilean cities.

Dinacos also said that the terrorist was directly involved in the planning and execution of several extremely violent acts which have shocked the citizenry. Molina Donoso was accused of carrying out several subversive acts between 1974 and 1984, including the establishment of underground houses, agitation and propaganda, establishment of underground clinics to take care of injured extremists, and recruiting and organizing subversive groups.

He was also charged with the kidnapping of the son of a wealthy businessman, as well as participating in an attack on a convoy in which a driver was killed, calling for armed struggle, using arms and explosives to attack an Army Intelligence battallion, and many other actions.

Other charges against Molina Donoso include participation in clandestine press conferences granted to news media during which he called himself Comandante Jose Miguel, reading FPMR manifestos, and reporting on armed propaganda actions carried out by this organization.

Dinacos reported that the CNI (National Intelligence Center) is conducting several investigations in order to neutralize several terrorist groups and help guarantee domestic peace, which is the legitimate right of the majority of the Chilean people.

GALAVERNA FORCED TO LEAVE 'TO PREVENT SCANDAL'

PY180310 Asuncion LA TARDE in Spanish 17 Sep 86 p 11

[Text] [Ypacaria Colorado Party precinct Vice President] Juan Carlos Galaverna, who has a 90-day visa to stay in Clorinda, Argentina, has stated his departure from Paraguay is not self-exile, but the result of a request by the Paraguayan Foreign Ministry to Argentine Ambassador Raul Quijano that the Colorado dissident from Ypacarai be taken outside Paraguay's borders.

The Ypacarai Colorado Party precinct vice president, who on 11 September took refuge in the Argentine Embassy and the following day went to Clorinda, told the press in Clorinda his departure from the country was a forced arrangement negotiated between Ambassador Quijano and Foreign Minister Carlos A. Saldivar, seeking to prevent a diplomatic scandal.

Galaverna said he did not leave our country of his own free will and that he would return immediately if he had basic guarantees once he is in Paraguayan territory. Galaverna stated he will try to return before his 90-day tourist visa deadline expires. He emphatically said he is not in Clorinda as a self-exile but as a result of an arrangement between the Paraguayan Foreign Ministry and the Argentine Embassy.

Asked what will happen if he is prevented from returning, Galaverna said that in that case, he will negotiate with the Argentine federal authorities for permission to remain in Argentina as a political refugee. At any rate, Galaverna made it clear he does not plan to reside in the neighboring country and he would return "right now" if he had basic guarantees from the Paraguayan authorities.

MRTA CLAIMS ATTACK ON CHILEAN EMBASSY

PY182343 Madrid EFE in Spanish 1816 GMT 18 Sep 86

[Text] Lima, 18 Sep (EFE) -- Leaving a number of pamphlets at the site of the attacks, the Tupac Amaru Revolutionary Movement (MRTS) has claimed responsibility for the bombing this morning in Lima of the Chilean Embassy and the Chilean ambassador's residence. The MRTA members threw two dynamite sticks at the ambassador's residence. The blast shattered the window panes of the house of Ambassador Juan Jose Fernandez. At the same time, a 2-minute shoot-out, without major consequences, took place between the policemen guarding the residence and three of the assailants armed with submachineguns. The attackers fled in their vehicle.

The attack occurred at 0600. At the same time, the MRTA attacked the Chilean Embassy on the 800 block of Javier Prado Avenue, one of Lima's main thoroughfares in the residential San Isidro district. This bomb was more powerful and it virtually destroyed a guard booth, tearing off the door. The assailants [word indistinct] speed. An embassy source told EFE that no victims were reported.

The attack occurred on Chile's independence day, and a reception was scheduled to take place at the ambassador's residence. The residence is located in the 400 block of Colonel Portillo Street not far from the diplomatic mission. The terrorist action has been reported to the local police.

More MRTA Attacks Reported

NC190609 Paris AFP in English 0507 GMT 19 Sep 86

[Text] Lima, Sept 19 (AFP) -- A policeman was killed here Thursday night by sub-machine gun bullets fired from a passing car.

Later, Urban guerrillas of the Tupac Amaru Revolutionary Movement (MRTA) threw dynamite sticks into several textile mills in Chile's capital. Forty-five thousand textile workers who have been on strike for 18 days marched peacefully through the main streets earlier, demanding support from the government and denying any part in terrorism.

Police used tear gas to disperse squatters who attempted to march to President Alan Garcia's palace to plead for titles to the land occupied by their shanty town west of the capital.

The MRTA damaged Chile's embassy and the ambassador's residence with dynamite in the morning.

In Puno, 900 kms (600 miles) to the south, guerrillas of the Maoist Shining Path Movement wrecked Agriculture Ministry offices with dynamite. Shining Path partly burned a house in Ayacucho, 575 kms (350 miles) southeast of here, belonging to the ruling Social Democratic Party's candidate for mayor.

SOVIET FOREIGN MINISTER TO VISIT 3-7 OCTOBER

FL191130 Mexico City NOTIMEX in Spanish 0431 GMT 19 Sep 86

[Text] The Mexican Government has invited Soviet Foreign Minister Eduard Shevardnadze to make an official visit to Mexico from 3 to 7 October.

During his visit to Mexico, Shevardnadze will hold talks with Foreign Secretary Bernardo Sepulveda Amor on the current situation of bilateral relations and will exchange opinions on the international situation.

The Soviet minister will also meet with other Mexican Government officials and the Senate Foreign Commission.

GOVERNMENT SIGNS AGREEMENT WITH PARIS CLUB

PA181557 Mexico City Red Nacional 13 Imevision Television in Spanish 0300 GMT 18 Sep 86

[Text] The Mexican Government has signed an agreement with the Paris Club to restructure payments on principal and interest due in the next 18 months of bilateral credits granted by the 13 club members. The restructuring of these credits is part of a financial package proposed for this and the next year to the international community.

The Finance Secretariat reported the agreement with the Paris Club involves deferred payments of principal and interest Mexico is scheduled to make between 22 September 1986 and 31 March 1988 on the principal and 31 December 1987 on the interest.

The deal, which according to the Finance Secretariat will strengthen the balance of payments, involves approximately $1.8 billion. The payments will now be made over a 10-year period with a 5-year grace period. This is in keeping with the presidential decision to adjust the schedule of payments on the foreign debt to the country's payment capability.

The Mexican delegation, which is headed by Public Credit Director Jose Angel Burria Trevino and Foreign Trade Bank Director Alfredo Philipe Olmedo, pointed out to the delegates of signatory countries the importance of maintaining credit lines open for future transactions to support trade relations between Mexico and Paris Club member countries.

EL SALVADOR

FURTHER REPORTAGE ON GOVERNMENT, REBEL DIALOGUE

Guerrillas Denounce Duarte

PA181547 (Clandestine) Radio Venceremos in Spanish to El Salvador 0000 GMT 18 Sep 86

[Text] The whole country is pointing accusingly at Napoleon Duarte. Duarte lied. Duarte played with the people's yearnings and expectations, which were seeking the path for dialogue and negotiation and the elusive peace. Napoleon Duarte let down all the different sectors of the country, and all the sectors are pointing him out.

It can be clearly seen that at no time did Duarte truly intend to carry out the third round of talks, as of the very moment he became bent on creating in Sesori the most difficult and adverse conditions for dialogue. As soon as it was agreed to hold the third meeting in Sesori, because it is a village without permanent Armed Forces military presence, the High Command decided to militarize the village with no one other than the kidnapper and torturer, Colonel Mauricio Staben, who heads the Arce Battallion. Not only that, but a military operation was launched against Morazan, with the only objective of militarizing Perquin with the Atlacatl Battalion, fearing that the FMLN might prefer Perquin as an alternative for the meeting place. Even more: On Monday, they sent another battalion, the Bracamonte Battalion, to Nuevo Eden de San Juan and San Luis De la Reina zone, and far from becoming sensible and demilitarizing the Sesori zone, instead they have supermilitarized it, which is clear proof that the dominant intention all along has been to block the dialogue and create adverse conditions unacceptable for a third peace meeting.

All seems to indicate that the battalion movements were prepared and planned to back up Napoleon Duarte's show. Even before the frustrated preparatory meeting in Panama, Duarte prepared the ground by announcing that he would arrive at Sesori even if the FMLN did not turn up. Duarte, the master of deceit and demagoguery continues to say that he will wait for us at Sesori on the 19th, and far from demilitarizing the area, he has supermilitarized the whole northern zone. There is no national or international news media or any sector of our society that has not pondered on the inflexibility and the irrationality of the militarization of Sesori.

Rey Prendes, in his urge to justify the indefensible government position against the dialogue, challenges the FMLN to expell the Army from Sesori, but we never adjust our military plans to what the enemy wants, and this is no exception. The Armed Forces have never been able to impose action plans upon us, and we do not have to defend positions on the battleground. They are the ones who are forced to defend positions in the field, and evidently they do not want to do so, not even within their own garrisons, which we strike and occupy, when the course of our plans has been thus determined by the FMLN. The demilitarization of Sesori is not part of a military plan, but of the efforts and goodwill to work for a negotiated solution to achieve peace. Now it is clear that Duarte planned to make the dialogue collapse. He has said that he will go alone to Sesori. He will go there to speak with yankee dollars as the backdrop.

The popular sectors who hope to resolve their serious problems through dialogue are disgusted. They have voiced this disgust to the media. They clearly understand who is to blame for the collapse of the third dialogue meeting. The small and medium businessmen, professional sectors, political parties, and the general population are also singling out Napoleon Duarte as responsible for the collapse of the third dialogue meeting.

The people are aware that the FMLN-FDR are still willing to continue the dialogue, under sensible conditions. This is so because even if Duarte does not want the dialogue to take place, the country does. Therefore, all sectors of society must continue struggling to reach a negotiated solution through dialogue that will restore peace in El Salvador.

Rebels Deny Attendance at Sesori

PA182109 Paris AFP in Spanish 2006 GMT 18 Sep 86

[Text] San Jose, 18 Sep (AFP) -- The Salvadoran guerrillas categorically denied today in a telephone call to AFP in San Jose the rumor that several of its members would go to Sesori, 153 km east of San Salvador, where the third "national dialogue" should be held.

"The Salvadoran Government has circulated a rumor, as part of its misinformation campaign, saying that FMLN Commanders Ferman Cienfuegos and Leonel Gonzales would be in Sesori with me on Friday," was stated to AFP by Jorge Villacorta, FDR representative to the preparatory meetings.

All this is "a clownish act and a classical juggler's act," said the FDR representative by telephone from Mexico City. He also termed "deplorable" the fact that "President Duarte is playing like this with the Salvadoran people's main demand that we hold a real national dialogue."

FMLN's Cienfuegos, Gonzalez

PA190359 Panama City ACAN in Spanish 2033 GMT 18 Sep 86

[By Ricardo Chacon]

[Text] San Salvador, 18 Sep (ACAN-EFE) -- Top-level Salvadoran guerrilla leaders have stated that the rebel presence throughout the country, the continuous wearing out of the Armed Forces, and the absence of a government political project have caused the failure of the Army's strategic plans.

Leonel Gonzalez, chief of the People's Liberation Forces (FPL), and Ferman Cienfuegos, top-level leader of the National Resistance (RN), were interviewed this week "somewhere" in El Salvador by a group of reporters, and some of their statements have been reported in this capital. Gonzalez and Cienfuegos, who are also members of the FMLN General Command, termed as "simplistic" the Army's analysis stating that the guerrilla forces are "running helter-skelter."

Leonel Gonzalez, a 42-year-old teacher who joined the revolutionary struggle in 1975, explained that the guerrillas changed their strategy by mid-1985, given the situation of the war, to cover 13 of the country's 14 departments. The tactical-strategic change has a double goal: "To disperse the Army and move closer to the strategic areas in the main cities, to organize the population, and allow us to create new forces." According to Gonzalez, the new strategy has resulted in "great losses for the Army, approximately 600 casualties per month; sabotage against the oligarchy; and a better coordination with the civilian population."

"We advocate the search for a political solution, but we also advocate defeating the Army," the guerrilla commander asserted. "Our strategy is aimed at disrupting the Army's mobilization, so that it disperses and leaves vulnerable areas, and we will maintain a sustained action against these areas," he added.

"The military crisis, plus the political crisis and the economic crisis, opens new possibilities for the rebel forces' victory."

Gonzalez said: "We have an organized army, structured on different levels, with leadership corps at different levels, and with a political and ideological development, plus technical capacity." According to the rebel leader, the guerrillas' new political and military actions will lead to the Army's "failure." The guerrilla commander said: If it were true that the guerrilla forces have decreased to 4,000 men and the Army's forces have increased to 40,000-50,000 soldiers, as it has been officially stated, the war would be over.

Ferman Cienfuegos explained that the Army's so-called new counterinsurgency strategy, based on the "United for Reconstruction" civic military plan, will not be successful because it does not go to the root of the population's basic problems. "How can anyone win over the people's hearts when they do not bear in mind their situation of oppression; when they create mirage in the economic sector, and disguise the military operations?," the rebel leader asked. Cienfuegos, who is 39 years of age, asserted that "the so-called 'United for Reconstruction' counterinsurgency project is mainly a military project, even though the propaganda stresses the political side."

Commander Cienfuegos said he could not explain how the guerrillas will carry out their new "annihilation" phase and argued that he could not explain the details for "military reasons." "However, this annihilation phase, combined with the political-government void and economic crisis the masses in the country are suffering will lead to a critical situation," he added.

Mediator Not To Go to Sesori

PA182205 Panama City ACAN in Spanish 2125 GMT 18 Sep 86

[By Ricardo Chacon]

[Text] San Salvador, 18 Sep (ACAN-EFE) -- Archbishop Arturo Rivera y Damas, mediator between the Salvadoran Government and guerrillas in their peace talks, has confirmed that he will not go to Sesori tomorrow because one of the parties -- the rebels -- will not be there. The archbishop underscored, when referring to the failure of the preparatory meetings between the government and guerrillas last week in Panama City, that "the talks have been interrupted, but the dialogue has not concluded."

Rivera y Damas revealed details of the private talks between the government and guerrillas to prepare the third round of peace talks, during a statement concerning the Catholic Church's role in the solution of El Salvador's armed conflict. Rivera participated last night in the "Lecture on Our National Reality," which was given at the "Jose Simeon Canas" Jesuit University. The prelate asserted during his lecture that "the dialogue and negotiations are the only rational way to end the country's main problem: the war."

Rivera said: "We want peace with justice, liberty, truth, and love; therefore, we cannot only hold meetings; we must also hold a real dialogue and negotiations." According to the archbishop, "our main concern is to conclude the conflict through a dialogue and negotiation; hence, the church has been talking about a dialogue since 1980, and it will not get tired of talking about a dialogue." Rivera explained that the demilitarization of Sesori and the truce were points that interrupted the private talks, given the "inflexible positions" that arose.

According to Rivera, the guerrillas' position was "more hopeful" because it contemplated another private meeting to reach an understanding. Nevertheless, the government has reasserted that it will present for the meeting tomorrow, whether the guerrilla representatives arrive or not. According to the prelate, the government has set a deadline of 19 September, the date on which the third round of talks should be held, for the guerrillas to accept the Army's guarantee for their security; if not, even the smallest agreement -- including the agenda for the meeting -- would be considered null.

The two parties met in October and November 1984 for the first time in the 5-year war, but they did not achieve the minimum agreements to end the conflict.

FMLN-FDR Propose New Date

PA190051 (Clandestine) Radio Venceremos in Spanish to El Salvador 0000 GMT 19 Sep 86

[Text] Attention: this is an important FMLN-FDR communique. The FMLN-FDR announces this to the Salvadoran people and international public.

1. It is generally known that during the preliminary meeting recently held in Panama City, no agreement was reached concerning several points necessary for the third dialogue to be held in Sesori on 19 September. Consequently, the dialogue will not be held on this date.

2. At the Panama City meeting and in view of the government delegation's (?desire) to conclude the meeting, the FMLN-FDR proposed to resume the discussion of the pending points in a new preliminary meeting. No accord was reached on this.

3. In view of this, yesterday our fronts addressed archbishop Msgr Arturo Rivera y Damas, the dialogue mediator, and proposed through him to the government to resume the discussion of the pending points on 29 September in any one of the two places in which we have already met.

4. The FMLN-FDR feels that the national demand for a political solution must be met by putting the immediate political interest before alleged impositions of any of the sides.

El Salvador, 18 September 1986
FDR Executive Committee
FMLN General Command

Viera on Delay

PA190049 San Salvador Domestic Service in Spanish 2305 GMT 18 Sep 86

[Interview with Deputy Communications Minister Roberto Viera by reporter Osiris Ramirez, in Sesori -- live]

[Text] [Viera] I do not know anything about a new proposal. The rebels said in Panama they wanted 10 more days. However, they did not say this during the meeting; they said it afterward, and this was acknolwedged by our delegates. I would like to stress that we always maintain an open attitude in the search for peace and for an agreement for peaceful coexistence in the country. This is the government's attitude. However, I do not think this is a joking matter. An agreement was reached about Sesori; they gave the date they said that the meeting should be held after 18 September, and we agreed.

In Panama City we reached some agreements such as the agenda and the subjects we were going to discuss. We discussed all those things and there was some understanding. Suddenly, they come up with a military issue consisting of withdrawing from some areas of the territory, which is equivalent to surrendering that territory, and does not make any sense.

We feel there is not a definite will on their part. I think that if that was their problem, they still should have presented it for later on, and we would have continued discussing the other issues. There are seven points on which we have reached some understanding; let us continue discussing these points, and those issues on which we have not reached any agreement or even an understanding should be discussed later. Let us do something with what we already have agreed on. However, their position was to reject everything we had accomplished.

[Ramirez] [words indistinct]

[Viera] No, I am just giving a figure. I said that the points dealt with the place, Sesori; the established date; and we had discussed the agenda, the continuation of the dialogue, and the study of the peace proposals of the fronts [FMLN-FDR] and of the governments. These were points on which we had reached some understanding. All we had to do was to make them effective. That was precisely what they rejected.

[Ramirez] It has been said that yesterday, the guerrillas officially delivered a new proposal to Archbishop Rivera y Damas. Do you know anything about this?

[Viera] I do not know anything about it. If the proposal was handed to the archbishop and he delivered it to the president of the Republic, perhaps tomorrow we will know its contents and the government's position.

[Ramirez] You have just listened to Deputy Communications Minister Roberto Viera referring to a dispatch from Mexico City, in which the guerrillas, through the FMLN-FDR, have submitted a new date, 29 September, for another preparatory meeting for the third round of talks between the government and the rebels.

Army To Remain in Sesori

PA190306 Panama City ACAN in Spanish 0042 GMT 19 Sep 86

[Text] Sesori, El Salvador, 18 Sep (ACAN-EFE) -- Colonel Humberto Corado Figueroa, military chief of Sesori, announced today that the Army definately will not withdraw from that town because "it cannot leave any community in the country without protection." Col Corado Figueroa, second commander of the elite Manuel Jose Arce Battalion, told ACAN-EFE today in Sesori, which is located in the eastern part of the country, that "the Army controls the northern zone of San Miguel Department, where Sesori is located, and it will not allow subversive activities."

The government and the guerrillas had agreed to resume here the dialogue interrupted in 1984, but the talks ended when the government refused to demilitarize Sesori and call a truce during the dialogue. "The Army has been in control of the entire zone since the beginning of the year, and we will not withdraw, because our duty is to protect the population," Col Corado Figueroa said. He added: "We have the power to face any terrorist action."

According to Col Corado Figueroa, the government is showing a "pacifist attitude" because it will come to Sesori tomorrow, even if the guerrillas do not show up. "The government will come to this town because it wants peace," Col Corado Figueroa said.

Corado said that communities in the northern part of the San Miguel Department have had public services such as electricity, water, and telephones restored since they have been under the Army's protection.

Sessori, located 153 km from San Salvador, was militarily occupied by the Manuel Jose Arce Battalion the day after the government and the guerrillas decided to meet in this town.

GUATEMALA

CEREZO SAYS NO GUERRILLA DIALOGUE PLANNED

PA171334 Guatemala City Cadena de Emisoras Unidas in Spanish 0050 GMT 17 Sep 86

[Text] Presidential sources today reported that Vinicio Cerezo has not considered holding a dialogue with the guerrillas, as the country's stability is being sought instead. The foregoing is the result of answers given by the president at a press conference in Ahuachapan, El Salvador after an agreement on electrical interconnection between Guatemala and El Salvador was signed.

The official report adds: The fact that at lease 2,000 persons have voluntarily presented themselves to the Army, seeking protection after having put down their weapons, makes evident the fact that Vinicio Cerezo does not want to talk with the guerrillas operating in Guatemala, and that he is interested in bringing political stability to the country.

In Ahuachapan, Cerezo was asked if the Salvadoran scenario could develop, as in President Duarte's dialogues with the Salvadoran guerrillas. Cerezo replied no, for the reasons already mentioned.

SUPPORT GROUP MEETS WITH PRESIDENT CEREZO

PA181701 Guatemala City Cadena de Emisoras Unidas in Spanish 0050 GMT 18 Sep 86

[Excerpts] No agreement was reached between the Mutual Support Group (GAM) and President Cerezo during the meeting they held this afternoon. The president told the group: I will consider the proposal and the GAM will receive an answer before I leave for Europe. However, GAM leaders were not satisfied with the president's answer. They insisted that the president set a date for the creation of the temporary investigative commission which they are demanding.

The GAM pointed out many things to the president, all related to the missing people. The group asked President Cerezo to have the government speed up work on the various petitions sent before central government authorities and the Supreme Court. However, President Cerezo insisted that he could not give them an answer and that they would have to wait a few days, because he is considering whether or not to approve the commission in question. He told them that in any case it would be a governmental commission not an international or private one.

The GAM and the government are now at deadlock, because the GAM did not receive a favorable answer from President Cerezo, who insisted that the government will find it difficult to satisfy GAM's requests, especially those regarding the return of the GAM members' loved ones. The president said: It hurts to repeat what I have already told you, it hurts a lot, but I believe a large number of the people being sought are already dead.

Mrs Nineth Montenegro de Garcia answered the president's statements. She said that with great regret and pain, the GAM members could accept that their relatives are dead. However, she asked the president to state where the bodies are and why the people were murdered. During the meeting, the president said that his government is hiding absolutely nothing, and that it is interested in solving the problems currently faced by the relatives of the missing people. The president said: At this time I cannot agree to the formation of the investigative commission requested by the GAM, he added: However, I will consider the matter and find a solution.

The tone of the meeting began to change after the president stated his decision regarding the group's request for a commission. He explained the amnesty decreed by the previous government, which states that if Congress decides to abolish the amnesty, the problem would not be solved because more than 10,000 people would be affected. [sentence as heard] This situation should be carefully studied.

President Cerezo has lied, Nineth de Garcia said in front of the president, when discussing GAM's efforts at the Supreme Court. Now we appear as the villains, she said, and not the victims of the genocide. Inasmuch as the president is speaking about democracy, it will be strengthened if the current government punishes the murderers of thousands of our relatives, the GAM leader added.

President Cerezo raised the tone of his voice to tell the GAM members that the government will guarantee their lives, and that they can protest and come to the palace as many times as they want to, but they must behave in accordance with the law, without disturbing public order. Mrs Garcia insisted that the president had promised to create an investigative commission, adding that she could state, as an example, that when he was a candidate he informed the GAM of the source of the kidnappings and murders of thousands of Guatemalans. [passage omitted]

President Cerezo's secretary relayed a message to the GAM from the president, stating that on Friday 26 September at 1000, the GAM must come to the Presidential Palace or send a messenger to pick up a letter from President Cerezo, in whic he will give an answer on the formation of the investigative commission. After this report, the GAM president told group members that what she wants is another meeting with the president. It is not known if this will be achieved because he leaves on 17 September for a tour of the United States and Europe.

VICE PRESIDENT DISCUSSES REGIONAL PARLIAMENT

PA182138 Guatemala City Cadena de Emisoras Unidas in Spanish 0050 GMT 18 Sep 86

[Text] Guatemalan Vice President Roberto Carpio Nicole has said that a meeting of experts may take place here at the end of September to prepare the documents that will be presented to the region's presidents. Carpio added that there are no political obstacles to hinder such a meeting although there is no definite deadline for holding it. Carpio said that three-fourths of the work to create the parliament has been completed.

It is possible that the delay of the technician's meeting is a result of an impasse between Nicaragua, Honduras, and Costa Rica -- whose differences, which have resulted from recent problems, are being aired at the International Court of Justice at The Hague, Netherlands.

However, according to the Guatemalan vice president, this will not prevent the meeting from being held. He dismissed the idea that anyone would try to block President Cerezo's initiative regarding the Central American parliament. He said in response to questions by reporters that there may be obstacles but the only thing that matters is that we overcome them, and we are following a process to achieve this.

Carpio Nicole explained that the Central American parliament is not really a political forum organized to halt a war. Wars, he said, are only halted when states are willing to do so. The vice president said that the Central American parliament is attempting to contribute toward the prevention of these wars, and one solution would be to find common ground at all levels, unite the Central Americans, and create effective instruments of peace through firm structures that will lead to harmony, justice, understanding, and, naturally, peace in favor of our common interests in the Central American region.

Regarding the technical commission delegates that are to come to Guatemala, Carpio Nicole said that everything is organized and agreed upon. Carpio provided a list of the members of regional delegations that have been confirmed by the governments of each country. These delegates will be in charge of preparing the final document that will be presented to the presidents, and then submitted to their respective congresses or constitutional assemblies for approval.

The final step will be the Central American presidential summit, at which the leaders will sign the agreements, statements, and other documents that will make the Central American parliament a reality, Carpio explained.

MINISTER ANNOUNCES FOREIGN AID FOR POLICE

PA190217 Guatemela City Cadena de Emisoras Unidas in Spanish 0050 GMT 19 Sep 86

[Text] Guatemala will receive aid from Germany, France, Belgium, the United States, and Venezuela to modernize the police.

Today the government minister explained the results of his recent tour of Europe, South America, and the United States. He said that his efforts resulted in the confirmation of donations and loans to acquire equipment and weapons for the national police. Belgium stands out as a special case because he got that country to stop the freeze on arms supply. Now, it will give Guatemala 7,500 guns and other special equipment such as riot equipment.

Guatemala will receive patrol cars and motorcycles from Germany, technical and financial cooperation from France, films and special weapons for the police service from Belgium, training and economic aid from Venezuela, special cooperation from the United States to fight drug trafficking and the production of marijuana and cocaine; and technical and financial cooperation from Spain.

The minister commented on the deplorable, obsolete, poorly equipped, and disorganized condition in which he received the national police. He stressed the urgent need not to [words indistinct] in order to investigate, control, fight, and eradicate the crimes that worry the Guatemalans, he emphasized.

NICARAGUA

U.S. 'PLANS' TO AID COORDINATING BOARD SCORED

PA182016 Managua Radio Sandino in Spanish 1200 GMT 18 Sep 86

["Analysis of Misinformation" by Onofre Guevera]

[Text] The nonexistence of a united, large, active, and basically solid political front in the opposition has been one of the main obstacles preventing the advancement of the imperialist aggression plans. This has made it necessary to give priority to the CIA plans in the political field aimed at strengthening the Ramiro Sacasa Guerrero Democratic Coordinating Board's weak structures.

The initial attempt failed because the people are identifying themselves more with the revolutionary process through massive involvement in defense and production tasks, thus reducing the possibilities that the working masses will be attracted by the political programs of the Coordinating Board's parties. This, together with the historical structural weakness of those parties, makes it an impossible mission to grow organically and politically within the people. Under those circumstances, the gradual shrinking or languishing of the rightist parties is contrary to their urgent need to appear as an internal complementary force of the armed counterrevolution.

The situation has led the CIA -- the U.S. Embassy, which is the same -- to try to strengthen the internal political front through the parties represented in the National Assembly so that their presence will legitimize a U.S.-controlled opposition movement.

Due to various reasons, including personalism, political ambitions, social structures, and reactionary ideological inclinations among its leaders, the PLI [Independent Liberal Party] became the first objective, which evidently was not very difficult. Nevertheless, the PLI -- or Virgilio Godoy -- by themselves are of little value for two reasons: 1) they lack the necessary strength by themselves; 2) by joining the Coordinating Board the PLI would only move to the right, condemning the party as being just another rightist party.

The task is broader: Obtaining the support of the other parliamentarian parties using Godoy and his rightist group as bait, in an attempt to strengthen the internal political front, in order to carry out U.S. plans of isolating the FSLN, and in hence finding a justification for a direct attack on the basis of an alleged absence of democratic life in Nicaragua. The immediate objectives would be paralyzing the constitutional debates and resuming them under the conditions imposed by all the opposition groups together, which would include invalidating the National Assembly and everything that has been instituted following the 1984 elections.

The plans to achieve those objectives have been implemented in various forms one after the other. They have all failed for one reason or another, but basically because of the main reasons, which are the people's unity around the FSLN, its revolutionary project, and the defense tasks. One of the latest maneuvers occurred within the National Assembly during the beginning of the debates on the constitutional bill with the partial withdrawal of two parties and the partial absence of another party.

You are probably wondering about the role of misinformation in all of this. It can be easily detected.

The U.S.-controlled propaganda means are making a great fuss abroad about this strategem of the opposition in an attempt to give the impression that we are facing an acute political crisis, that the revolutionary regime has failed, and that it is necessary to intensify the political, military, diplomatic, and economic offensive against Nicaragua so that it will return to the democratic path. This means that they want to win the war they are losing in the mountains and in the cities first in the information field, and then with a direct U.S. intervention. That is precisely the role played by propaganda.

EXILES FILE COUNTERCHARGES AT HAGUE COURT

PA162246 San Jose LA REPUBLICA in Spanish 11 Sep 86 p 18

[By Alberto Ordonez Arguello; capitalized words published in boldface]

[Text] Following the bizarre, aberrant charges filed by Nicaragua's Marxist-Leninist totalitarian regime at the International Court of Justice [ICJ] at The Hague against the democratic and popularly-elected governments of Cost Rica and Honduras, the leading organization of puralistic and civic-minded Nicaraguans in exile has filed an exemplary accusation against Commander Daniel Ortega's regime.

Thus, the Nicaraguan Opposition Coordinating Board (CON), headquartered in San Jose, Costa Rica and composed of political parties, labor organizations, and private enterprise associations signed on 27 August and submitted to the consideration of the ICJ judges a formal accusation against the regime of the Nicaraguan commanders, stressing that "after taking part in the overthrow of the nefarious Somoza tyranny, they are struggling for the hoped-for establishment of democracy and enforcement of human rights in Nicaragua."

It adds that "with obvious suprise at the ICJ's receipt of the charges filed by the totalitarian, pro-Soviet regime illegally exercising power in beleagured Nicaragua agains the democratic and constitutional governments of Costa Rica and Honduras, we wish to point out that, because of its agressive and expansionist characteristics, the regime represented by Commander Daniel Ortega is precisely the main obstacle -- which must be urgently overcome -- to the establishment of a definitive and lasting peace in Central America and to the security of the rest of the American continent."

Citing the tragic situation in El Salvador, where the subversives are receiving weapons and logistical support from Nicaragua; the assistance to the subversives in Guatemala; and the constant cross-border attacks against Costa Rica and Honduras, the document states: "Since we represent the authentic expression of our people's sovereignty in exile, because the democratic political parties and other Nicaraguan organization's are enduring the persecution and terror unleashed by the totalitarian regime in July of 1979, we feel compelled to file charges and accusations that are absolutely verifible ON THE SPOT..."

In numbered paragraphs, the CON lists petitions and accusations as follows:

1) It states that, because of its unlawful origin, resulting from fraudulent elections, Commander Ortega's government "lacks the sovereign power and popular backing required to support any petition or request under the legal framework regulating the functions and actions of the UN's ICJ."

2) It asks that a COMMISSION OF INQUIRY be appointed to travel to Nicaragua and verify that the commander's regime has not only failed to comply with the commitments it undertook before the OAS in June 1979, which called for the establishment of a democratic, pluralistic regime respectful of human rights..." [quotation mark as published] "but is experimenting with one of the most inhuman regimes in the world."

3) It complains of an absence of freedom of association and of civic and religious expression.

4) It denounces the persecution against and extermination of Indian ethnic groups, the forced mass evacuation of Indians, and the real GULAGS of peasants dislodged from their native mountains.

5) It describes the oppressive control by the Sandinist Defense Committees over cities and towns; and the rationing with an enslaving [ration] card system because the Nicaraguan people are enduring hunger.

6) It voices indignation at the torture in jails under the control of the State Security office.

7) It denounces the heart-rendering sorrow of the Nicaraguan mothers whose sons are drafted in their teenage years or even while they are still children.

8) It brings out the contrast between the people's poverty and the use of the magnificent confiscated mansions by the members of the pseudo-Sandinist nomenclature to hold orgies.

9) It asks that the ICJ receive representatives of the HUMAN RIGHTS COMMISSION OF THE NICARAGUAN OPPOSITION UNITY, who have trustworthy tetimonies about the daily violations of human rights in Nicaragua.

10) It says that, in view of the foregoing, it hopes the ICJ will not compromise its prestige and dignity by endorsing a regime lacking sovereign power to command respect from the highest legal entity in the world and which has been extremely well armed by the Soviet power to destabilize other countries on the Central American isthmus.

The document listing the UNO's complaints and charges, which carries an attachment outlining the current catastrophic economic situation in Nicaragua, will have great international impact because it is aimed at establishing jurisprudence concerning the rights of subdued and humiliated peoples to rise up in rebellion against their oppressors. The document asks: "Would it not be a moral aberration if Commander Ortega's puppet regime were able to use this uppermost judicial body as a springboard for confusion and propaganda purposes?"

ASSEMBLY APPROVES CONSTITUTIONAL ADVISORY DOCUMENT

PA182208 Managua Radio Sandino in Spanish 1930 GMT 18 Sep 86

[Text] The constitutional advisory document was approved today after 3 days of strong arguments presented by 74 representatives of the various political parties at the National Assembly. Even today, some proposals were presented, such as the one introduced by Conservative Eduardo Molina, who insisted that the advisory document be turned over to a commission. Molina felt that the document was incomplete and that it did not include any of the Conservative Party's proposals.

In addition, he described the advisory document as Marxist-Leninist and totalitarian. He added that the constitution should reflect a Christian and conservative spirit, and for this reason it is necessary to invoke God in the constitution. As it has already been reported, the preamble of the document invokes the spirit of the Nicaraguan heros and martyrs. It also states that the Nicaraguan constitution is drafted on behalf of workers, peasants, and other sectors of Nicaraguan society.

Molina's arguments were amply refuted by assembly President Commander Carlos Nunez Tellez, who asserted that it would be a huge mistake to try establishing socialism in Nicaragua because there are no objective or subjective conditions for this -- and to this must be added a bloody war of aggression that the Nicaraguan people are suffering. Nunez Tellez also said that the political parties must trust that the advisory document is not final; the parties will polish those aspects of the document that they feel necessary during the subsequent debates.

This morning's session was attended by 75 delegates of the 7 parties represented in the National Assembly. The parliamentarian fraction of the Popular Social Christian Party [PPSC] left the sessions hall -- with the exception of PPSC parliamentarian Leoncio Rayo -- because of a disagreement between Rayo and the rest of the PPSC delegates.

PPSC WITHDRAWS FROM CONSTITUTIONAL DEBATES

PA182306 Managua Radio Sandino in Spanish 1930 GMT 18 Sep 86

[Text] Mauricio Diaz, president of the PPSC, announced that the parliamentarian faction will not attend the constitutional debates. Before leaving the sessions hall, Diaz charged the FSLN with provoking divisions in the PPSC. He also said that the case of Leoncio Rayo [PPSC delegate who disagrees with the party's majority] is not unique and that the moment has arrived to deal with those who disagree with the party's stand.

[Begin recording] [Diaz] The FSLN has been trying to divide the PPSC's parliamentarian faction. It is evident that some opposition parties's members have succeeded in infiltrating our party. Such people should not be on the PPSC membership list, but on the Sandinists'.

[Reporter] (words indistinct)

[Diaz] Absolutely. This is part of a move aimed an (?undermining) the parties' internal unity and (words indistinct) [end recording]

Diaz also said that the PPSC would remain out of the assembly as long as the party's disciplinary commission does not decide otherwise, because they felt it would be preferrable for Rayo to stay and participate in the meeting. Assembly President Commander Carlos Nunez refuted Diaz's charges and described them as irresponsible and blackmailing against the constitutional debates. Commander Nunez said that deputy Rayo is not at all related to the FSLN and that Rayo is only a member of a party represented at the National Assembly. Nunez added that it is irresponsible to assert that the FSLN divides the parties, and that such charges are groundless. It is blackmail to assert that the party will not consider returning to the constitutional debates. The assertion is also immature because this party is losing its place as a political organization to present their position at the national assembly. Nunez also said that the PPSC is free to determine their stance at the assembly and that the FSLN will not voice an opinion about such a decision.

NICARAGUA

ADVISORY COMMISSION ISSUES CONSTITUTION REPORT

PA112145 Managua BARRICADA in Spanish 10 Sep 86 pp 3b-22b

["Advisory report" issued by the Constitutional Advisory Commission [CDC] dated 5 September]

[Text] 5 September 1986

"Twenty-five years later, all the arms against the aggression"

I. THE INTEGRATION OF THE CONSTITUTIONAL ADVISORY COMMISSION

The CDC was created based on resolution No 1 of the Presidency of the National Assembly issued on 21 Feburary 1986. The CDC was created to provide advice on Nicaragua's draft constitution presented to a plenary meeting of the National Assembly on 21 February 1986.

The members of the Special Constitutional Commission [CEC] were included in the CDC to benefit from the experience these members acquired while preparing the draft. Consequently, the CDC was composed of 20 people who represented the following political parties: the FSLN, the Conservative Democratic Party of Nicaragua (PCDN), the Popular Social Christian Party (PPSC), the Communist Party of Nicaragua (PCdeN), the Nicaraguan Socialist Party (PSN), and the Marxist-Leninist Peoples Action Movement (MAP-ML). The Independent Liberal Party (PLI) did not participate in the CDC because that party withdrew when the CEC was working on the first draft.

The work of the CDC was efficiently supported by the members of the Consultations Commission: Dr Maria Lourdes Vargas Escobar, Dr Jorge Samper Blanco, Dr Roberto Evertz Morales, Dr Josefina Ramos Mendoza, and Dr Ignacio Castillo Masis.

II. NATIONAL CONSULTATIONS COMMISSION (open town councils)

The National Consultations Commission was created based on Resolution No 3 of the Presidency of the National Assembly issued on 11 March 1986. It is composed of the following representatives:

Companero Juan Tijerino Fajardo	President
Campanero Nathan Sevilla	Vice President
Companero Luis Sanchez Sancho	Member
Companera Benigna Mendiola Sequeira	Member
Companero Serafin Garcia Torres	Member
Dr Eduardo Molina Palacios	Member
Companero Allan Zambrana Salmeron	Member
Companero Eligio Palacios Maradiaga	Member
Companero Luis Humberto Guzman	Member
Companero Isidro Tellez Toruno	Member
Companero Hermogenes Rodriguez	Member

This commission was responsible for directing -- during the months of May, June, and July of this year -- a historic experience, that of the constitutional open town councils through which all the sectors of the Nicaraguan nation were able to express their opinion. These sectors have made suggestions and recommendations and have contributed to the constitutional draft, which had already been studied by young people, teachers, women, workers, peasants, artesans, businessmen, Christians, fighters of the Armed Forces, Indians, and the people of the Atlantic Coast. The entire national territory was turned into a huge school for civic, political, and patriotic formation.

Work centers, schools, Christian communities, military bases, production units, neighborhoods, markets, and cooperatives became classrooms where the people studied and improved each of the articles of the draft and prepared themselves for participating in the open council meetings. Companeros NARCISCO LOPEZ, GABINO REYES, JULIO AMADOR, and ODILIO MAIRENA were engaged in this work of giving patriotic education when they were murdered by mercenary forces.

Before and during the consultations, there were television and radio debates on the issue, articles were written, and there were special interviews carried by the media. In addition to this, the draft was published in all the written press of the country and the positions of the various political organizations were reported. This included the positions of those organizations that did not participate in this phase of the constitutional process but that stated their opinion about what the constitution should contain. The media make known not only the positions of the various parties, but also the position of all sort of organizations, including that of the Episcopal Conference of Nicaragua.

Approximately 100,000 citizens, representing all the classes and social sectors of Nicaragua, were physically present in the open town councils. In addition, there was another form of participation through the radio, which transmitted many of them live, and through television, in special programs. The printed media also played a role. In the 73 open town councils held throughout the country, 2,500 people raised their voices to express their feelings and the opinion gathered during the phase of study, contributing 1,800 written motions.

That level of popular participation surpassed the most positive estimates and showed that the state of emergency did not in any way affect the development of the town councils, that the study of the draft was carried out with enthusiasm, happiness, willingness, and discipline by the people who admirably respected the regulations to guarantee order in participating.

It is impossible to recount the intensity, enthusiasm, wisdom, and confidence in the future which we are building expressed in these open town councils. Nevertheless, an effort was made to gather on 100 charts the opinions expressed in the town councils. They reflect what the people expressed when they directly participated in drafting their own constitution.

These documents were carefully studied by the members of the CDC, and many of the contributions which form part of the draft about which we issue our opinion today were introduced without any coercion or pressure. The members simply identified with them and presented them as a proposal.

Upon concluding its work and presenting the report on it, the National Consultation Commission was dissolved by Resolution No 5 of the president of the National Assembly on 16 July.

III. WORK OF THE CDC

The CDC met during five sessions held in 10 days to carry out the mandate of the plenum of the National Assembly, which represents the Nicaraguan people, with regard to issuing an opinion on the draft of the constitution.

In order to regulate its meetings, regulations were unanimously approved and four subcommissions formed by members of the Advisory Commission were created in order to facilitate the work:

1. Commission To Revise the Index and the Preamble

This commission was in charge of revising, modifying, and reordering the index of the titles and chapters of the draft, bearing in mind the following criteria:

(#) To make the draft a more precise document in line with the technical-juridical recommendations;

(#) To eliminate those articles the content of which was repeated in other articles;

(#) To address in titles topics only addressed in articles, such as the one dealing with nationality and the one concerning the supremacy of the constitution.

It also drew up the draft of a preamble in accordance with what will be explained in numeral 2 of point iv of this report.

2. Commission To Revise the Fundamental Principles

In order to fulfill the mandate of the chairman of the CDC, Title I, which establishes the fundamental principles, was revised on the basis of the following considerations:

(#) Select those principles that should be the object of articles in the draft;

(#) Combine some principles that due to their content were closely linked to articles of the draft constitution;

(#) Include principles that due to their nature are intrinsic to the Nicaraguan revolutionary process such as: the search for peace and a just world order; and the transformation of society.

3. Commission for the Drafting of the Title on Nicaraguan Nationality

It was agreed to appoint members of the CDC who would be in charge of proposing to the same commission the articles to be included in this new title, which was added to the draft's index.

4. Commission for the Drafting of the Title on National Economy and Agrarian Reform

Several members of the CDC were made responsible for drafting a proposal for articles reflecting a reclassification and better definition of the regulations on this subject scattered throughout the text of the draft constitution.

The CDC's work produced a draft constitution made up of a preamble, 11 titles, 25 chapters, and 198 articles. We herewith list the main points of the proposed draft:

IV. MAIN ASPECTS OF THE PROPOSED CONSTITUTIONAL DRAFT

1. The index of the constitutional draft was rearranged, and following the debates it was approved as follows:

Preamble

Title I
Fundamental Principles - Sole Chapter

Title II
On the State - Sole Chapter

Title III
Nicaraguan Nationality - Sole Chapter

Title IV
Rights and Guarantees of the Nicaraguan People
Chapter I
Individual Rights
Chapter II
Political Rights
Chapter III
Social Rights
Chapter IV
Family Rights
Chapter V
Labor Rights
Chapter VI
Rights of the Indian Population and Atlantic Coast Communities

Title V
National Defense - Sole Chapter

Title VI
National Economy, Agrarian Reform, and Public Administration
Chapter I
National Economy
Chapter II
Agrarian Reform
Chapter III
On Public Administration

Title VII
Education and Culture - Sole Chapter

Title VIII
Organization of the State
Chapter I
General Principles
Chapter II
Legislative Branch
Chapter III
Executive Branch
Chapter IV
Judicial Branch
Chapter V
Electoral Branch

Title IX
Political Administrative Division
Chapter I
General Rules Municipalities
Chapter II
Indian Population and Atlantic Coast Communities

Title X
The Constitution's Supremacy and Its Amendments. Constitutional Laws
Chapter I
Fundamental Charter
Chapter II
Constitutional Control
Chapter III
Constitutional Amendments

Title XI
Final and Provisional Dispositions - Sole Chapter

2. Preamble

The CDC received proposals for a preamble from the MAP-ML, the PPSC, and the FSLN, in which they requested the subcommission to prepare a draft of the preamble, which gathers the various aspects of the related proposals. Similarly, it was decided to transfer the draft preamble prepared by the subcommission to the plenary, with the following recommendations:

a) When referring to the Nicaraguan people, it should be done by saying the terms Nicaraguan men and women and the mothers should carry the adjective heroic in front;

b) That the Christians expressed their religious feelings in the struggle for the redemption of the have-nots; and

c) That it is a constitution made for the Nicaraguans who struggle and surrender their lives against the imperialist aggression to guarantee the future of the coming generations.

There was a vote against the MAP-ML, because it did not agree with the general and particular aspects of the draft preamble.

3. Title I: Fundamental Principles

Based on the proposal made by the work subcommission, to which the drafting of those principles was assigned, the CDC issued the following opinion:

(#) [numbering as published] That the articles contained under that title are the frame of reference for the constitution; and

(#) That these principles constitute the political content of the fundamental charter.

Therefore, the commission resolved:

a) Article No 1 of the 21 February draft was eliminated;

b) Article No 2 on the veneration of heroes and martyrs was included in the preamble;

c) Article No 3 refers to the forces on which the revolution rests which were incorporated with the concept of democracy;

d) Article Nos 8, 10, 11, and 12 of said draft were incorporated into a single article which we titled: Independence and Sovereignty;

e) Article Nos 5, 6, 7 were incorporated into a single article which we titled: Political Pluralism, Mixed Economy, and Nonalignment.

f) To end, some principles such as the search for peace and a just economic order, and the transformation of society were incorporated.

This title contains a single chapter and five articles. Four of said articles were unanimously approved, and the remaining article was approved by a majority vote. The PPSC and the FSLN introduced their reservations regarding the article on defining the three principles; and the MAP-ML. [sentence as published]

4. Title II: On the State

Regarding Title II called General Provisions, the commission agreed by concensus to call it On the State because it will touch an aspects regarding the state itself and its principal elements such as the people, territory, and sovereignty, as well as Central Americanism [centroamericanismo] as a new aspect. Likewise, it touches on the topics of form of government and characteristics of the Nicaraguan state.

This title comprises 10 articles, four of which were unanimously approved, and six by majority, with the MAP-ML voting against them.

5. Title III: Nicaraguan Nationality

This title is new and rules every aspect on the topic of Nicaraguan nationality, since the draft contained only one article on the topic of nationality. Therefore, the commission agreed to draft and deal with matters regarding nationality, nationalized citizens, double nationality, and causes for losing nationality in 14 articles.

Thirteen articles were unanimously approved, and one was approved by majority vote, with the MAP-ML voting against it.

6. Title IV: Rights and Guarantees of the Nicaraguan People

Regarding this title, the commission agreed to combine all matters regarding Title III regarding the rights of the Nicaraguan people as the foundation for peace and social order, and matters included in Title IV on rights, duties, and guarantees of the Nicaraguan people, both of which were included in the 21 February draft. Likewise, a new chapter is added to this title establishing the rights of the Indian populations and Atlantic Coast communities.

Individual Rights

a) A new penal procedural guarantee was established, such as to be tried without delay and by a competent court specified by law.

b) The concept of equality in the eye of the law was broadened to encompass the principle of no discrimination as well as a greater definition regarding the protection of minors.

c) Sentences of a humanitarian character were established.

Political Rights

a) Absolute equality for all Nicaraguan men and women was incorporated.

b) The right to assemble was broadened; the right to organize political parties and the law on the subject was left as defined; also broadened was the right of the people to organize.

Social Rights

The right to associate as well as the right to religious freedom and information were redone.

Family Rights

a) The concept of the family was broadened.

b) Equality of the couple was specified.

c) The obligations of parents and children were defined along the lines of existing legislation, eliminating the concept of custody [patria potestad].

d) Better medical care will be provided to pregnant women as well as guarantees of job stability.

e) A new article was included, protecting senior citizens.

f) The subject family inheritance was eliminated from the draft as it is believed to be appropriate for ordinary legislation.

Labor Rights

a) The right to work was redefined.

b) The general participation of organized workers in enterprises was set forth. The specific nature of this participation will be determined by law.

c) In addition, the liberty to form unions and the self-government of trade unions are now considered together.

This title consists of 6 chapters and 63 articles. Forty-one of these were approved unanimously and 22 were approved by a majority. The PPSC, the PSN, the PCdeN, and the MAP-ML either abstained or voted no.

7. Title V: National Defense

The commission has named Title V of the report National Defense. Its single chapter deals with the right to defense; the people's participation, leadership, and organization; the people's duty to participate in defense; and the guarantee of domestic order.

In this way, the contents of Title V are both expanded and merged with Section III of the draft's Title VII. This title has five articles, all of which were approved by a majority. The PPSC, the PSN, and the MAP-ML voted no.

8. Title VI: National Economy, Agrarian Reform, and Public Administration

In Chapter I, related to national economy, we have merged the chapters dealing with general principles, the various forms of ownership, foreign and domestic trade, and foreign investments.

The part having to do with agrarian reform was modified to make it conform with amendments in the agrarian reform law. We have included a chapter called Public Administration. In this chapter, we have included concepts already included in the chapters dealing with the national budget and tax system.

This title has 3 chapters and 17 articles, 15 of which were approved by a majority, with the opposition of the MAP-ML. Two articles were approved unanimously.

9. Title VII: Education and Culture

In this chapter, we have included everything provided regarding education and culture that is generally similar to the draft. Only some articles, such as those called Liberty of Artistic and Cultural Creation, Fundamental Values in Education, and National Educational Plans have been included here. In addition, the purpose of the new education was redefined.

In all, 11 articles regulate everything related to education and culture, 9 of which were approved unanimously; 2 were approved by a majority.

10. Title VIII: Organization of the State

Title VIII of the advisory report deals with the organization of the state. The structure of four of the draft chapters on the organization of the state have been maintained. The Constitutional Advisory Commission stressed some points regarding:

General Principles

Transferring to the plenary all matters regarding the responsiblity of the public sector officials.

Legislative Branch

a) The peacetime budget was included to be discussed and approved by the National Assembly.

b) The legislative branch will be advised and will study the resignations presented by the Magistrates of the Supreme Court of Justice and the Supreme Electoral Council.

c) The passage on veto power was simplified by deleting from the draft articles all sections pertaining to procedures.

Executive Branch

a) The plenary has been asked to define all cases in which the president or the vice president of the republic can be replaced.

b) Section III of the executive branch chapter was deleted from the draft because this section dealt with the Sandinist Armed Forces, a subject that is already included in Title V of the advisory report. Section Iv (State of Emergency) of the same draft was also deleted and placed under Title X of the advisory report.

Judicial Branch

a) Four articles regarding the Supreme Court of Justice magistrates, their duties, their rulings, and their resolutions were created.

b) It was agreed to recommend to the plenary that it appoint the Court of Appeals judges.

Electoral Branch

Its duties now include the organization and handling of all referendums and plebiscites.

This title has 5 chapters and 44 articles -- 33 of which were approved unanimously, and 6 by a majority of votes with the PPSC and the MAP-ML casting votes with reservations or nay votes.

11. Title IX: Political Administrative Division

The country's political administrative division is dealt with in Title IX of the advisory report and explained in two chapters: Chapter I refers to the municipality, and the overall development of national territory.

This chapter has five articles, which were approved as presented in the draft.

Chapter II has two articles, and deals with the rights of the Indian population and the Atlantic Coast communities and their organization; these expand and improve the ideas expressed in the draft presented by the advisory commission.

This title has five chapters, four of which were approved unanimously and one with the abstention of the PSN, which stated it is not against the contents of the title but against its proposals because the proposals are indifferent regarding the Indian populations in the central area of the country.

12. Title X: The Constitutions Supremacy and its Amendments

Constitutional Laws

Except for the constitutional amendment, the matters regarding the constitution's supremacy, and the laws of a constitutional nature, all are new and have been introduced in this advisory report under Title X.. This is divided into three chapters regarding: the fundamental charter, constitutional control, and consitutional amendments.

The commission agreed to give constitutional rank to the law for protection of civil rights, emergency law, and the electoral law, which will be created or amended once the constitution has been implemented. The complete amendment of the constitution was introduced as a new aspect.

Regarding this matter, it was established that the president of the National Assembly and the aforementioned officials have the right to present an appeal of unconstitutionality. The number of 35 representatives was established, and the number of signatures needed was lowered to 10,000 citizens. Also, the law for the protection of civil rights will establish the procedures for all appeals established in the constitution.

This title has 3 chapters and 17 articles, 15 of which were approved unanimously, and 2 by a majority with votes with reservations by the PSN and the MAP-ML.

13. Title XI: Final and Provisional Dispositions

In conclusion, the final and provisional dispositions are dealt with in Title XI of the advisory report being presented and, in general, maintain the structure as presented in the constitutional draft of 21 February. This title was approved as follows: seven of eight articles were approved unanimously, and one by a majority.

In this brief and descriptive analysis, we have explained the contents of the advisory report, outlining in a general manner the aspects included, the reasons for some deletions, and the combining of those as was felt necessary in the hopes of achieving accuracy in the concepts.

We state that the parties' votes with reservations, their abstentions, and the votes that were discussed have been included in the respective Constitutional Advisory Commission's minutes. The parties will exert their right to establish their diverging positions during the final debates in general, and in the draft political constitution in particular.

The document stating the vote of MAP-ML that was discussed is attached to this advisory report.

V. EVALUATION OF THE CONSTITUTIONAL ADVISORY COMMISSION'S WORK

We positively value the work carried out, which shows the interest, analysis, and dedication of the Consitutional Advisory Commission's members, who -- supported and helped by the National Assembly's National Directorate for Legal Advice -- exerted themselves to the utmost when preparing a report that includes the most significant contributions made during the open town councils and the suggestions received from thousands of people who participated in the talks and seminars that were organized in Nicaragua and other countries with the intention of disseminating the constitutional work.

It is appropriate to mention the discipline of the FSLN representatives, who never failed to attend a commission meeting, and the constant attendance of the MAP-ML and the PSN. The PPSC and PCdeN regularly attended the meetings, and the PCDN representatives abstained from participating.

We can assert that the work was carried out in an efficient manner and with great flexibility by the commission, and the project's technical-legal structure was improved.

We consider it important to mention the permanent contacts between the commission and the news media, which regularly reported to all the people all progress in the Constitutional Advisory Commission's work.

VI. CONCLUSIONS

We present with satisfaction the report on the Draft Political Constitution of Nicaragua to the Nicaraguan people and their representatives in the National Assembly; we are sure that it will be improved even more by debates at the Assembly Plenum. Naturally, we do not think that this will be the definite draft, or that the last word has been said in this concern.

Thus begins a new phase in the arduous work of strengthening the revolution's institutionalization, proving to the world and international community the Nicaraguan people's political will to exert themselves and give their country the first Magna Carta that really represents their interests and hopes, amidst a war of aggression imposed by the U.S. Government.

The final discussion of the constitution becomes highly relevant because, while the U.S. Government plans the Nicaraguan people's destruction and the U.S. Congress approves funds to murder the Nicaraguan men and women, the Nicaraguan Parliament prepares to discuss the highest legal norm to regulate the Nicaraguan nation's life, as proof of our willingness to attain peace, and according to the institutional mechanisms which regulate the nations that respect international laws.

According to the imperialist policy of preventing our country's normal development, the Reagan administration will increase its pressure and blackmail to cause negative consequences in the National Assembly's overall work. Nevertheless, we are sure these efforts will be rejected by the people's representatives, since they are all convinced that the preparation, analysis, discussion, and approval of Nicaragua's political constitution is a valuable legacy for future generations, and represents the historical responsibility of all the representatives to the National Assembly.

The representatives of the seven political parties comprising this branch of the state have pledged to give the Nicaraguan people their first legitimate, just, and realistic political constitution that reflects our national unity and represents one of the basic fronts for the defense of our revolution by becoming a legal wall, a gigantic barricade -- like the ones built by the men and women of Nicaragua 8 years ago when they began the glorious September uprisal -- to defend the revolutionary institution.

Upon completion of the advisory report, we must thank the companeros who worked very devotedly to fulfill their appointed tasks by stimulating the training and technical support work at the constitutionally open town councils. We also thank the representative political parties who participated in these councils; the FSLN; the PPSC; the PSN; the PCdeN; the MAP-ML; the regional governments that made great efforts for the councils' success; the EPS and the Ministry of the Interior, who cooperated in the travel and security of those who traversed the national territory to ensure the success of the consultation; the news media workers who covered this stage of the advisory report with recorders, pencils, and cameras; and the employees, officials, and advisers of the National Assembly who worked without any fixed schedule so we could do our duty.

International solidarity was also present in this effort by contributing material assistance, moral support, and sharing their experiences and knowledge with us. This material solidarity took shape in the form of important donations from Hungary, Poland, the Ebert Foundation of the FRG, NORAD of Norway, the Office for Cooperation of Sweden, the Finnish Government agency Finnida, and the Netherlands' nongovernmental organization Ecumenic Action for Solidarity with Latin America. Their aid helped finance the expenses incurred during this stage of the constitutional draft. Donations from Bulgaria, the GDR, and Yugoslavia are still pending.

Now that we are about to debate the draft, we must keep in mind our duty to keep the people constantly informed of the discussion about the constitution to ensure their participation in the debate. For this, we request the support and cooperation of the news media, and their attendance at and broadcasting of the sessions through the information organs. We also request their interest in disseminating the opinions of the representatives regarding the debate's progress. We ask the news media to report the people's questions and views.

We should keep in mind our responsibility to prepare ourselves for the debates by carefully considering constitutional theory, other countries' experiences, and the open town councils' wise contributions, which will enrich the constitutional draft.

Nothing will be able to stop us from fulfilling this historic mission. Nothing will prevent us from delivering to the Nicaraguan people their first constitution in a free homeland.

In sum, companeros representatives, we have shaped this law of laws against all odds, under a hail of bullets and despite economic blockade, domestic and foreign harassment, threats, and the intensification of the war financed by the U.S. Administration. We did it in this small country with barely 3 million people, in the midst of combat, with a glad face, our heart beating, and a rifle in our hands. Our minds and fingers have continued to draft this beautiful democratic project. Against our will, we have drafted it with the sacred blood of the Nicaraguans who have fallen fighting foreign aggression.

For us and on their behalf, we will comply!

Managua, 5 September 1986.

"25 years later, all arms against aggression."

Constitutional Advisory Commission

Carlos Nunez Tellez, president; Rafael Solis Cerda, Juan Tijerino Fajardo, Danilo Aguirre Solis, Benigna Mendiola Sequeira, Domingo Sanchez Salgado, Nathan Sevilla Gomez, Serafin Garcia Torres, Angela Rosa Acevedo, Sixto Ulloa Dona, Eligio Palacios Madariaga, Carlos Cuadra Cuadra, Humberto Solis Barker, Gustavo Adolfo Vega Vargas.

The legitimate representatives of the Nicaraguan people, the source of all the power, elected by universal, equal, direct, free, and secret suffrage.

RECALLING

The memory of the immortal father of the popular and anti-imperialist revolution, Augusto C. Sandino, the general of free men;

The just struggle carried out by our Indian ancestors to shake the colonial yoke;

The fighting tradition of our people, who inspired by the example of Jose Dolores Estrada and Andres Castro, defeated the pirates' control and the U.S. intervention in the National War;

The heroic deed of Benjamin Zeledon, the national hero, who died fulfilling his duty to fight yankee intervention until his death;

The heroic action of Rigoberto Lopez Perez, who implemented the fall of the dictatorship;

The example of Carlos Fonseca, the best follower of Sandino's tradition, founder of the FSLN and leader of the revolution;

The generations of heroes and martyrs who forged the FSLN, leader and guide of the victory, from the mountains and hideouts;

The memory of the heroes and martyrs who died fighting a criminal regime for the liberation of Nicaragua;

For the Nicaraguan people, men and women, for the people's workers and peasants, for their glorious youth, for their heroic mothers, for the unselfish commitment of the Christians who expressed their religious feelings in the struggle for the redemption of those who have not, for the patriotic intellectuals and for all those who contribute to the defense of the fatherland with their productive work;

For the Nicaraguans who fight and give their lives in the face of the imperialist aggression to guarantee a bright future for unborn generations;

For the institutionalization of the achievements attained with the 19 July revolutionary victory and for the building of a new society in which -- by eliminating the exploitation of man by man -- we will achieve a full legal, economic, political, and social justice, as well as absolute respect for human rights.

CONSEQUENTLY, WE PROCLAIM THE FOLLOWING POLITICAL CONSTITUTION OF THE REPUBLIC OF NICARAGUA

TITLE I

BASIC PRINCIPLES

SOLE CHAPTER

INDEPENDENCE AND SOVEREIGNTY

Article 1. The country's independence, the right to exercise full sovereignty, and the nation's self-determination are unrenounceable rights of the peoploe and the foundation of the Nicaraguan nation. Any foreign interference in the domestic affairs of Nicaragua as well as any attempt to undermine its independence, go against the people's lives. It is the people's right and the duty of all citizens to preserve and defend with weapons in hand, if necessary, the homeland's independence, sovereignty, and the country' self-determination.

DEMOCRACY

Article 2. The people are the source of all the power and the makers of their own destiny. The people exercise democracy by making decisions and freely participating in the construction of the economic, political, and social system that best suits their interests. The people exercise power directly and through their representatives who were freely elected.

THE SEARCH FOR PEACE AND A JUST INTERNATIONAL ORDER

Artice 3. The struggle for peace and the establishment of a just international order are unrenounceable commitments of the Nicaraguan nation. For this reason, we oppose any form of colonialist and imperialist domination and exploitation. The Nicaraguan people are in solidarity with all the peoples who fight oppression and discrimination.

TRANSFORMATION OF THE SOCIETY

Article 4. The Nicaraguan people have constituted a new state to foster their interest and guarantee their great social and political achievements. The state is the most important instrument of the people for the transformation of the unfair and oppressive socioeconomic structures handed down from the past, promote the spiritual and material progress of the nation, social justice, and the elimination of all forms of submission and exploitation, and ensure that the interest and rights of the great majority of the people can prevail.

POLITICAL PLURALISM, MIXED ECONOMY, AND NONALIGNMENT

Article 5. The state guarantees political pluralism and a mixed economy. Nicaragua is a nonaligned country.

POLITICAL PLURALISM

a) Political pluralism is to be understood as the existence of all political organizations and their participation in the country's economic, political, and social affairs without any ideological restrictions. Those parties that advocate a return to Somozism or the establishment of a politico-military regime are to be excluded.

MIXED ECONOMY

b) A mixed economy ensures the existence of various forms of public and private ownership and also the existence of associations, cooperatives, and communities. All these forms of ownership must serve the nation's higher interest and contribute to the creation of wealth to meet the needs of the country and its inhabitants.

NONALIGNMENT

c) Full independence and sovereignty support Nicaragua's right to proclaim itself a nonaligned country and, therefore, commit itself to the struggle for a just world order and against all forms of domination or discrimination whether political, social, economic, or racial.

TITLE II

ABOUT THE STATE

SINGLE CHAPTER

THE STATE

Article 6. Nicaragua is an independent, free, centralized, and indivisible state.

THE PEOPLE

Article 7. The Nicaraguan people are formed by a variety of races. The Nicaraguan people are part of the central nation and aspire to the unity of the Latin American and Caribbean peoples.

FORM OF GOVERNMENT

Article 8. Nicaragua is a democratic, participatory, representative, and nonaligned Republic. Its government has four branches: legislative, executive, judicial, and electoral.

SOVEREIGNTY AND INTERNATIONAL RELATIONS

Article 9. Nicaragua bases its international relations on the principle of nonalignment, the search for peace, and respect for the sovereignty of all nations. Therefore, Nicaragua opposes all forms of discrimination, colonialism, imperialism, and racism and rejects all subordination of any state by another.

CENTRAL AMERICAN UNITY

Article 10. Nicaragua, which firmly advocates Central American unity, backs and promotes every effort for political, economic, and cooperation integration in Central America, as well as every effort to establish and preserve peace in the region.

Consequently, Nicaragua will participate with the other Central American countries in the creation or election of the organizations necessary for this purpose. This principle will be regulated by law.

NATIONAL TERRITORY

Article 11. The national territory is located between the Atlantic and Pacific Oceans and the Republics of Honduras and Costa Rica. It includes adjacent islands and cays, the soil and subsoil, territorial sea, continental shelf, underwater insular shelf, airspace, and stratosphere.

The exact limits of the national territory are established by laws and treaties.

LANGUAGE

Article 12. Spanish is the official language of the state. The tongues of indigenous populations and ethnic communities in Nicaragua will also be officially used in cases established by law.

CAPITAL CITY

Article 13. Managua is the capital of the Republic and headquarters of the state branches. In unusual circumstances, state branches can be established in other parts of the national territory.

NATIONAL SYMBOLS

Article 14. The following are national symbols: the national anthem, the flag, and the coat of arms, which are established by the law determining their characteristics and use.

SECULAR STATE

Article 15. The state has no official religion.

TITLE III

THE NICARAGUAN NATIONALITY

SOLE CHAPTER

THE NICARAGUANS

Article 16. Nicaraguans are nationals or naturalized.

NICARAGUAN NATIONALS

Article 17. The following are nationals:

a) The children of a Nicaraguan father or mother.

b) Those born in the national territory except for the children of foreigners serving their government or international organizations.

c) Infants of unknown parents found in Nicaraguan territory.

Article 18. Native Central Americans will be deemed nationals upon request before proper authorities without having to resign to their nationality.

NATIONALS BY MERIT

Article 19. Foreigners who distinguish themselves for outsanding service to the fatherland will be declared nationals by the National Assembly.

SOLE NATIONALITY

Article 20. No distinctions can be made between Nicaraguan nationals born in Nicaraguan territory and those born abroad.

NATURALIZED

Article 21. The following, with prior resignation of their previous nationality and via a request presented before proper authorities, are deemed naturalized:

a) Those born abroad, who are the children of a Nicaraguan father or mother, and who may have lost their nationality. The request must be made after coming of age.

b) Foreigners with 5 years of residence in Nicaragua.

c) A foreign spouse as a result of marriage or common marriage with a Nicaraguan after 3 years of residence in Nicaragua. This requirement will not be needed should the foreign spouse, by the law of his country, lose his nationality as a result of that marriage.

ch) [Spanish letter as published] Foreigners residing in Nicaragua, who according to the law have served the fatherland in an outstanding manner.

d) Foreigners adopted by Nicaraguans residing in Nicaragua or residing in Nicaragua since the adoption.

GRANTING OF CITIZENSHIP

Article 22. Citizenship acquired in accordance with the previous article will include all children under the guardianship of the citizen, if so requested by the parents, except in the cases mentioned in Paragraph D of said article.

CITIZENSHIP AND MARRIAGE

Article 23. Marriage or its dissolution will not affect the citizenship of the couple or their children.

LOSS OF CITIZENSHIP

Article 24. Nicaraguan citizenship will be lost by:

a) Anyone tried and convicted for treason to the homeland.

b) Anyone who serves in the Armed Forces of a foreign country, thereby violating the express prohibition of the Nicaraguan Government.

c) Anyone who refuses to help in the defense of the homeland in case of war or foreign aggression.

ch) Anyone who may conspire from abroad or act in any way against the people of Nicaragua or the institutions of the state.

d) Anyone who renounces his Nicaraguan citizenship.

e) Anyone who voluntarily accepts another country's citizenship, except for a person accepting another Central American country's citizenship or citizenship allowed in the dual citizenship conventions.

The president of the Republic will have the right to rule on the cases included in Paragraphs b, c, and ch, of this article.

Article 25. The appropriate authorities may cancel citizenship papers or deny a request for citizenship for reasons involving public order.

WAY IN WHICH CITIZENSHIP CAN BE RECOVERED

Article 26. If the Nicaraguan citizenship was lost for reasons established in Article 24, paragraphs D and E, it may be recovered if the person requests it before the appropriate authorities and renounces the citizenship considered incompatible with the Nicaraguan citizenship.

CITIZENSHIP GUIDELINES

Article 27. The procedures and requirements for acquiring, loss, and recovery of citizenship will be established by the laws.

DUAL CITIZENSHIP AND TREATIES

Article 28. In the case of dual nationality we shall abide by what is established in the treaties and on the principles of reciprocity, modifying its contents under the same terms in which the treaties and the reciprocity are modified.

The need to renounce Nicaraguan citizenship to accept the citizenship of another country and the time established to acquire Nicaraguan citizenship can be modified based on the treaties and the reciprocity.

RIGHTS, DUTIES, AND GUARANTEES OF THE NICARAGUAN PEOPLE

CHAPTER I

INDIVIDUAL RIGHTS

INVIOLABILITY OF THE RIGHT TO LIFE

Article 29. The right to life is inviolable and inherent to a human being. There is no death penalty in Nicaragua.

PERSONAL FREEDOM

Article 30. Every person has a right to individual freedom and security.

PROTECTION OF AND RESPECT FOR PERSONAL LIFE

Article 31. Every person has a right to his private life as does his family, to the inviolability of his residence, mail, or communications and to the respect of his honor and reputation.

A person's residence can only be broken into by a written order issued by a competent judge, according to the procedures established by the law to prevent the committing of a crime, or to stop any harm that may be done to people or properties.

The law will determine the cases and procedures to examine private documents, mail, or other forms of communication, when that action is essential to clarify other matters.

EQUALITY BEFORE THE LAW

Article 32. All persons are equal before the law and have equal right to receive protection. There will be no discrimination based on birth, political beliefs, race, skin color, sex, language, religion, opinion, origin, economic position, or any other social condition.

FREEDOM OF CONSCIENCE, THOUGHT, AND RELIGION

Article 33. Every person has a right to freedom of conscience, and thought; as well as a right to profess a religion or not. No one will be the object of coercive measures, which could diminish the right to have or adopt the belief of one's choice.

FREEDOM OF SPEECH

Article 34. All Nicaraguans have a right to freely express their thoughts.

FREEDOM OF MOVEMENT

Article 35. All Nicaraguans have a right to move freely, to choose their residence, and to freely enter and leave the country.

PRINCIPLE OF LEGALITY

Article 36. No one will be forced to do what the law does not order, and the law will not prevent anyone from doing what it does not prohibit.

RIGHT TO PROCEDURAL PENAL GUARANTEES

Article 37. No one is to be arrested, arbitrarily imprisoned, or deprived of freedom except for causes established by the law and with arrangements to carry out legal proceedings.

Therefore:

1. An arrest can only be carried out by virtue of a written order issued by a competent judge, or the authorities, which the law expressly authorizes, except in the case of a flagrant crime.

2. Every prisoner will have a right to be rapidly informed, in a language that he understands, and in detail, of the nature and causes of the accusations made against him; he will have the right to be taken to the competent authorities within the period of time established by the law or to be freed and obtain compensation for having been illegally arrested.

MINIMUM GUARANTEES

Article 38. Any accused person has the right, under equal conditions, to the following minimum guarantees:

(a) To assume that he is innocent until proven guilty, according to the law.

(b) To be judged without delay by a competent tribunal established by the law.

(c) To have his participation and defense guaranteed from the beginning of the process.

(ch) No one is required to make declarations against himself, his spouse, or his relatives within the fourth degree of blood relationship or the second degree of affinity, nor to declare himself guilty.

(d) No one can be tried twice for the same crime for which he has been condemned or absolved through a final judgement.

(e) No one can be processed or condemned by act or omission that has not been previously described specifically and unequivocally in the law as a punishable offense, nor can any one be sanctioned with penalties not established by the law.

MINORS

Article 39. Minors cannot be subject to trial by the tribunals and by ordinary procedures. Minors can only be taken to the corresponding juvenile body, and in no case will they be taken to the penal rehabilitation centers. There will be rehabilitation centers for minors under the guidance of the specialized body.

PROHIBITION OF SHAMEFUL PROCEDURES AND PENALITIES

Article 40. All people have the right to have their physical, mental, and moral condition respected. No one will be subject to torture procedure or punishments or cruel, inhumane, or degrading treatment.

LIMITATION OF THE PENALTY

Article 41. The penalty is not extended beyond the accused. No penalties will be imposed that, isolated or combined, deprive the accused of his freedom for more than 30 years.

RETROACTIVITY OF THE PENAL LAW

Article 42. The penal laws have retroactive effect only in favor of the accused.

HUMANITARIAN NATURE OF THE PENALTIES

Article 43. In Nicaragua, the penalties have a deep humanitarian nature. Their fundamental purpose is to change the intern. The Penitentiary System will promote the unity of the family, the health cultural improvement, and productive work with a monetary remuneration for the detained.

PROHIBITION OF SLAVERY, SERVITUDE, AND SLAVE TRADE

Article 44. No one will be subject to servitude. All kinds of slavery and slave trade of any nature are forbidden.

THERE IS NO IMPRISONMENT FOR DEBTS

Article 45. No one will be imprisoned just because he cannot fulfill an obligation of economic nature, regardless of its origin.

RIGHT TO ASYLUM

Article 46. The right to asylum is guaranteed in Nicaragua to those pursued because they are struggling for democracy, peace, justice, and human rights.

The law will determine the condition of asylum or of political refuge. If in any case it is agreed to expel a person who has been granted asylum, he can never be sent back to the country where he was pursued.

EXTRADITION PROHIBITED

Article 47. In Nicaragua no one will be extradited for political or other related crimes according to Nicaraguan guidelines. Nicaraguans cannot be extradited from the national territory. Extradition for common crimes is regulated by law and by international treaties.

SEEKING PERSONAL PROTECTION OF CIVIL RIGHTS

Article 48. A person whose constitutional rights have been violated or are in danger of being violated may file for relief according to the case and according to the law for the protection of Civil Rights.

HUMAN RIGHTS STATUTE

Article 49. All persons in the national territory will enjoy state protection and respect for their inherent individual rights, as well as the promotion and protection of their human rights. They will also enjoy all the rights stipulated in the Universal Human Rights Declaration, the International Pact on Economic, Social, and Cultural Rights, The UN International Pact on Civil and Political Rights, the American Declaration on the Rights and Duties of Man, and in the OAS American Convention on Human Rights.

CHAPTER II

POLITICAL RIGHTS

EQUALITY OF NICARAGUANS

Article 50. The unconditional equality of all Nicaraguans is established. There is absolute equality between man and woman in the fulfillment of their rights, duties, and responsibilities. The state has the duty to remove all obstacles preventing the equality of the Nicaraguan people and their effective participation in all political, economic, and social activities of the country.

THE PEOPLE'S RIGHT TO ORGANIZE THEMSELVES

Article 51. In Nicaragua, urban and rural workers, women, young people, industrial and articulture producers, craftsmen, professionals, technicians, intellectuals, artists, religious people, Indian people, ethnic groups and other sectors of the population have the right to form organizations with the purpose of fulfilling their hopes and participating in the construction of a new society.

CITIZENSHIP AND ENJOYMENT OF POLITICAL RIGHTS

Article 52. Those 16 years of age or older are considered Nicaraguan citizens.

Only citizens may enjoy the political rights stipulated in the constitution and the laws. The only limitations will be the ones related to age.

Citizens' rights may be suspended for the infliction of serious corporal harm, for related specific crimes, and by the executive sentence of a civil court.

PARTICIPATION IN PUBLIC AFFAIRS

Article 53. All citizens have the right to participate in public and government affairs. The law guarantees the effective participation of the people at both the national and local levels.

RIGHT OF PETITION

Article 54. All citizens have the right to make petitions to state powers or to any other authority; they also have the right to obtain a speedy resolution.

RIGHT TO ASSEMBLE

Article 55. The right to meet, and to organize rallies and public mobilizations in accordance with the law is recognized. If those meetings take place inside privately owned facilities there is no need for prior authorization.

RIGHT TO ELECT AND BE ELECTED

Article 56. Citizens have the right to elect and be elected, and to occupy public posts.

RIGHT TO ORGANIZE POLITICAL PARTIES

Article 57. With the purpose of participating in, exercising or aspiring to power, Nicaraguan citizens have a right to organize or join POLITICAL PARTIES, as long as those parties do not have as their goal a return to Somozism, or similar political systems.

SUSPENSION OF POLITICAL RIGHTS

Article 58. POLITICAL RIGHTS are suspended or lost, according to the reasons established in the corresponding laws.

CHAPTER III

SOCIAL RIGHTS

PROTECTION FOR COMBATANTS

Article 59. In accordance with the law, the state will consider the homeland's combatants, and the relatives of those who died in defense of the homeland in all its programs.

EDUCATION AND CULTURE

Article 60. All Nicaraguans have a right to education and culture.

HEALTH

Article 61. All Nicaraguans have a right to health. The state will promote basic environmental conditions, medical assistance for the population, and the participation of the people in the health programs and drives. This will be organized by the appropriate authorities.

RIGHT TO FOOD

Article 62. Nicaraguans have the right to be protected from hunger. The state will promote programs that will ensure an adequate supply and equal distribution of food.

RIGHT TO HOUSING

Article 63. Nicaraguans have the right to decent housing with the proper conditions of hygiene, comfort, and saftey that will guarantee family privacy.

RIGHT TO RECREATION AND ENTERTAINMENT

Article 64. Nicaraguans have the right to enjoy sports, recreation, and entertainment. The state will promote these rights through specific programs and plans.

RIGHT TO INFORMATION

Article 65. Nicaraguans have the right to information. This right includes the freedom to seek, receive, and transmit information and ideas, be this verbally, visually, in writing, or by any other means.

WAY IN WHICH TO EXERCISE THE RIGHT TO INFORMATION

Article 66. The right to information is a social responsibility and must be exercised with a deep respect for the principles established in the constitution. The exercise of this right will be subject to the guidelines established in the law.

COMMUNICATIONS MEDIA

Article 67. The social communications media will be at the service of the national and popular interests and may not be subject to foreign interests or the economic power of any group.

The existence and operation of the public, cooperative, and private communications media will be subject to what is established in the law.

RELIGIOUS FREEDOM

Article 68. All persons, individually or collectively, have the right to manifest their religious beliefs in public or private through worship, through the celebration of rites, and through practice and preaching, in accordance with the laws. No one may invoke a religious belief or doctrine to avoid compliance with the laws or to prevent others from exerting their rights and duties.

CHAPTER IV

RIGHTS OF THE FAMILY

Article 69. The family is the natural and basic nucleus of society and has the right to be protected by the society and the state.

RIGHTS TO CREATE A FAMILY

Article 70. The right of Nicaraguans to create families is hereby recognized. The law will regulate and protect this right.

EQUAL RIGHTS OF THE COUPLE

Article 71. Marriage or common law relationships are based on a voluntary agreement between a man and a woman. Total equality of rights and responsibilities between men and women exists in society as a whole, and in family relations in particular.

RIGHTS OF THE PARENTS AND THE CHILDREN

Article 72. Parents must provide support for the household, and for the overall education of the children through a common effort, with equal rights and responsibilities. The children in turn are obliged to respect and to help their parents. Their duties and rights should be fulfilled according to the laws on this subject.

Article 73. The state will grant special protection to the woman during pregnancy. During the prenatal and postnatal periods, the working woman will be granted leave with salary remuneration in addition to adequate social security benefits. No woman may be denied employment or dismissed for reason of pregnancy.

EQUAL RIGHTS OF THE CHILDREN

Article 74. All children have equal rights. There will be no discrimination in matters regarding relationships [filiacion]. The common law may not establish provisions or make clarifications that diminish or deny the equality of children.

PROTECTION OF THE ELDERLY AND MINORS

Article 75. Elderly people and minors have a right to the protection required by their particular condition. This protection should be provided by their families, as well as by society and the state. The state will make the necessary provisions for the care of minors while their parents work.

ON FATHERHOOD

Article 76. The state protects responsible fatherhood. The right to investigate paternity is established.

ADOPTION RIGHTS

Article 77. All legally competent Nicaraguans have the right to adopt minors, but exclusively in the interest of the minor's full development.

CHAPTER V

LABOR RIGHTS

Article 78. Work is a right and a social responsibility; it is the fundamental way to satisfy the needs of society, and it is the nation's source of wealth and prosperity. The state will attempt to ensure full and productive employment for all Nicaraguans in conditions that guarantee fundamental individual rights.

PARTICIPATION OF WORKERS IN ENTERPRISES

Article 79. Workers, through their organizations, have the right to participate in the administration of enterprises, in accordance with the law.

WORKERS RIGHTS

Article 80. All workers have the right to enjoy working conditions, with the following guaranteed in particular:

a) Equal pay for equal work consistent with social responsibility, without discrimination by reason of political affiliation, creed, race, color, or sex, and which will ensure a level of well-being compatible with human dignity.

b) Receiving a salary in currency that is legal tender.

c) A minimum wage, which is not seizable, except to protect the worker's family, in accordance with the law.

d) Just daily work hours, weekly rest, leave, and remuneration on national holidays regulated by law.

e) Work stability in accordance with the law and equal opportunity to be promoted, without other limitations than time in service, capacity, efficiency, and responsibility.

RIGHT TO STRIKE

Article 81. The right to strike is recognized.

RIGHT TO SOCIAL SECURITY

Article 82. The state guarantees workers' right to social security, with the benefits and protections established by law.

WORK BY MINORS

Article 83. Minors are not permitted to work in occupations that may affect their normal development or their compulsory educational cycle. Children and adolescents will be protected against all kind of economic and social exploitation.

RIGHT TO TRAINING

Article 84. Workers are guaranteed the right to cultural and technical education. The state will make these available through special programs.

UNION FREEDOM

Article 85. Workers are guaranteed the right to organize in unions on a voluntary basis. The establishment of unions will be allowed at all levels. No worker will be forced to join a specific union or to resign from one to which he belongs.

INDIVIDUAL CONTRACTS AND COLLECTIVE BARGAINING AGREEMENTS

Article 86. Workers are guaranteed the inalienable right to defend their individual or professional rights and conclude individual contracts or collective bargaining agreements with their employers.

Chapter VI

RIGHTS OF THE INDIAN POPULATION AND ATLANTIC COAST COMMUNITIES

INDIAN POPULATION AND ATLANTIC COAST COMMUNITIES, PART OF THE NICARAGUAN PEOPLE

Article 87. The Indian population and Atlantic coast communities are part of the Nicaraguan people, they enjoy the same rights, and are bound by the same duties as the rest of the population.

The Indian population also has the right to preserve and develop its ethnic identity within the framework of national unity, to establish its own forms of social organization, and administer its local affairs in keeping with its historic traditions.

The state acknowledges and will continue to legalize the Atlantic coast communities' communal form of land ownership. It also acknowledges their right to freely use the waters and forests within their communal properties.

Article 88. The free use and cultivation of their languages and of all the expressions of their art and culture is a legitimate right of the Indian people and Atlantic coast communities; the development of their culture and historic valuse enriches Nicaragua's national culture. The state will encourage efforts made in this direction.

Article 89. No one can be discriminated against because he does or does not belong to a particular ethnic group. It is the state's duty to decree laws and promote the actions necessary to ensure that no Nicaraguan citizen is subject to discrimination because of his language, culture, or ethnic origin.

TITLE V

NATIONAL DEFENSE

ONLY CHAPTER

RIGHT TO DEFENSE

Article 90. The Nicaraguan people have the inalienable right to arm themselves to defend their sovereignty, their independence, and their revolutionary achievements. It is the duty of the state to promote the organization and arming of the people to guarantee this right.

POPULAR PARTICIPATION

Article 91. The defense of the fatherland and the revolution depends on the mobilization and organized participation of all the people in the struggle against their aggressors. The state will promote the people's general inclusion in the different defense methods and tasks in the country.

DIRECTION AND ORGANIZATION OF DEFENSE

Article 92. The state will organize the fatherland's armed defense through the EPS, the people's armed branch and direct heir of the National Sovereignty Defense Army [Ejercito Defensor de la Soberania National]. It is the EPS' responsibility to prepare, organize, and direct popular participation in the defense of the fatherland.

There will be no armed organizations in the national territory other than those established by law.

THE DUTY TO PARTICIPATE IN THE COUNTRY'S DEFENSE

Article 93. In response to the aggressions and threats of a foreign country or of forces directed or supported by a foreign country, it is the duty of all Nicaraguans to take up arms to defend the fatherland and the people's achievements. The Patriotic Military Service is therefore established, in accordance with the law.

SECURITY AND INTERNAL ORDER

Article 94. The struggle against the efforts promoted from abraod to subvert the revolutionary order built by the Nicaraguan people, as well as the struggle against all criminal and antisocial activities, are unquestionably a part of the defense of the revolution. The state creates the security and internal order organizations that fulfill these functions.

TITLE VI

ECONOMIC AND AGRARIAN REFORM

CHAPTER I

NATIONAL ECONOMY

OBJECTIVE OF THE ECONOMY

Article 95. The state's principal function in the economy is to promote the material development of the country, changing the inherited backwardness and dependency, upgrading the people's living conditions, and distributing wealth in an increasingly just manner.

The state intervenes in the national economy to guarantee the defense of the interests of the majority of the people, and to guide the economy toward the achievement of national objectives.

DIRECTION AND PLANNING OF THE ECONOMY

Article 96. The direction and planning of the economy is a duty of the state. The central banking system, national defense system, insurance and reinsurance, and foreign trade are instruments of economic leadership that fall irrevocably under the state.

WORKERS' PARTICIPATION

Article 97. Workers have the right to participate in the drafting, implementation, and oversight of economic plans.

NATURAL RESOURCES

Article 98. All natural resources, including mines, hydrocarbons, fish, and forests are part of the national heritage; their rational preservation, development, and exploitation are state duties. In keeping with national interests, contracts to exploit them can be agreed with third parties.

FORMS OF PROPERTY

Article 99. The state guarantees the existence of various forms of property including public, private, cooperative, associative, and community property. All forms of property are subject to the higher interests of the nation and fulfill a social function.

EQUALITY OF ENTERPRISES

Article 100. State enterprises as well as profit-oriented ones established under any of the above mentioned property forms are equal before the law and economic policies of the state. The economic plans of enterprises must be drafted with the participation of their workers.

BASIC CONSUMPTION GOODS

Article 101. The state is obliged to ensure a rational and just distribution of basic consumption goods in the countryside and cities. Speculation and hoarding are incompatible with the national economic system.

CHAPTER II

AGRARIAN REFORM

Article 102. Agrarian reform is a fundamental instrument for achieving a just distribution of land. The state will guarantee its development until the historical demands of the peasants are fully satisfied.

Article 103. The land reform shall abolish large estates and leasing of inefficient properties; it shall eliminate all means of exploiting the peasants and promote modes of ownership compatible with the economic and social objectives of the revolution.

Article 104. The state shall promote the voluntary association of peasants. To the extent possible, it shall provide the material means needed to raise technical, and productive capabilities and improve the living standards of its members.

Article 105. The state shall promote the incorporation of small and medium-sized agricultural producers, under associative or individual means, according to country's plans for economic and social development.

Article 106. Persons who work their lands productively and efficiently are guaranteed the ownership of those lands. The land reform shall create specific guidelines and exceptions according to its goals and objectives.

Article 107. The peasants and producers are entitled to participate, through organizations, in defining the policies for land transformation.

CHAPTER III

ON PUBLIC ADMINISTRATION

ON THE GENERAL BUDGET OF THE REPUBLIC

Article 108. The objective of the general budget of the Republic is to regulate revenues and expenditures of the public administration. It shall disclose the various sources of income, so that they are in agreement with the production of goods and services and that the limits on expenditures of the state organizations may be determined.

ON THE DRAFTING OF THE BUDGET

Article 109. In compliance with the Annual Budget Law, the president of the Republic shall draft the general budget of the Republic and shall submit it to the National Assembly as is established in this constitution and in the law.

TAX SYSTEM

Article 110. The law shall determine a tax system taking into consideration the distribution of wealth and income as well as the needs of the state.

TAXES

Article 111. Taxes shall be created by the law, which establishes their impact, the tax rate, and the guarantees to taxpayers. The state shall not compel payment of taxes that have not been previously established by a law.

TITLE VII

EDUCATION AND CULTURE

SOLE CHAPTER

INTEGRAL EDUCATION

Article 112. The objective of education is to promote the integral upbringing of Nicaraguans, endow them with a scientific and humanist conscience, and to enable them to assume tasks of common interest required in the transformation of society. The state has the duty to train technical and professional personnel at all levels and specialization needed for the country's development and transformation.

DIRECTION OF EDUCATION

Article 113. It is up the state to direct and organize education. In addition, the state will promote the democratization of education by all available means to contribute toward the development of personality and a democratic society.

FUNDAMENTAL VALUES

Article 114. Being a creative, participatory, and dynamic process, education must be based on our national values, the knowledge of our history, universal scientific knowledge, and the constant development of science and technology.

ROLE OF EDUCATION

Article 115. Education must banish all values handed down to the nation by the system of oppression and dependence of the past. Education should instead promote the country's transformation through knowledge and work. It should also foster the Nicaraguan people's full accomplishment in a modern society, free from any type of external dependence, whether political, economic, technological, or cultural.

ACCESS TO EDUCATION

Article 116. All Nicaraguans have free and equal access to education. Basic education is free of charge and compulsory. The state will foster the participation of the people in education.

EDUCATION OF ADULTS

Article 117. Adults will enjoy permanent opportunities to acquire education and develop working abilities through training. The state will continue to promote the literacy of all capable Nicaraguans.

PRIVATE TEACHING

Article 118. Schools for private teaching can operate at all levels and will be subject to the educational laws and regulations that apply at public schools.

RELIGIOUS TEACHING

Article 119. The state acknowledges the right of private religious schools to teach religious subjects. This teaching, however, shall not be compuslory for students, according to law.

NATIONAL PLANS

Article 120. The National Education System, including higher learning, must operate integrally and according to single national plans. The organization, methods, and levels of national education will be determined by law.

SELF-GOVERNMENT

Article 121. The higher learning centers will enjoy organic and administrative self-government, in accordance within law. The state will promote free scientific creativity, research, and dissemination.

THE NATIONAL CULTURE

Article 122. The state has the duty to promote the development and strengthening of an authentic national culture. For this purpose, the state will promote and support culture in all its forms of expression, both of popular and of a collective nature, as well as those that emerge from individual creators.

It is also the duty of the state to protect the archeological, historical, cultural, and artistic patrimony of the nation, and to provide the culture workers the necessary means to create and to diffuse their works.

Article 123. Artistic and the culture creation is absolutely free.

TITLE VIII

ON STATE ORGANIZATION

CHAPTER I

GENERAL PRINCIPLES

POWERS

Article 124. The state is granted the following powers:

The legislative, executive, judicial, and electoral power. The powers of the state are independent among themselves and coordinate their activities in harmony, subject to he supreme interest of the nation and to the objectives established in the constitution.

CHAPTER II

LEGISLATIVE POWER

PERFORMANCE AND COMPOSITION

Article 125. The legislative function is performed by the Nations Assembly, which will be made up of 90 representatives of the nation, with their respective substitutes. In addition, the presidential and the vice presidential candidates of the political parties or alliance that participate in the elections will be members of the National Assembly, as principal and substitute respectively, provided they had obtained in the national election a number of votes equal to or higher than the average regional quotient [cociente].

QUALIFICATIONS

Article 126. To be a representative at the National Assembly it is required:

a) To be a Nicaraguan citizen with the full right to exert political and civil rights.

b) To be 21 years of age.

TERMS

Article 127. The National Assembly representatives will be elected for a 6-year term, beginning on the date of the opening session.

DUTIES

Article 128. The duties of the National Assembly are:

1. To draft and approve laws and decrease and to amend and eliminate the existing ones. The assembly will also perform the authentic interpretation of the law.

2. To decree amnesty and pardon as well as commutation or reduction of penalties according to the law of amnesty.

3. To request reports and to summon the ministers, vice ministers, presidents of autonomous institutions, and directors of government institutions.

4. To grant and to cancel the legal status of entities of a civil or religious nature.

5. To analyze and approve the general budget of the Republic during times of peace and in accordance with the procedure established in the present constitution.

6. To pass laws regulating foreign investments.

7. To appoint magistrates to the Supreme Court of Justice and the Supreme Electoral Council [CSE] who shall be elected from three-name slates suggested by the president of the Republic.

8. To receive and accept resignations or reinstatements presented regarding representatives of the National Assembly and magistrates of the Supreme Court of justice and the CSE.

9. To ratify or reject international treaties, conventions, or negotiations.

10. To regulate all matters regarding the symbols of the fatherland (the national flag, emblem, and anthem.)

11. To establish national honorable orders and distinctions.

12. To receive in solemn session the annual report by the president of the Republic.

13. To grant legislative powers to the president of the Republic during the recess periods of the National Assembly. Exempted from this are all matters regarding the codes of the Republic.

14. To create permanent or special commissions; it may establish investigatory commissions on any matter of public interest or it may delegate this task to permanent commissions dealing with the matter that is under investigation.

15. To grant pensions and honors to distinguished servants of the fatherland and humanity.

16. To amend the political and administrative division of the country.

17. To fill the vacancies of president and vice president should the two be definitively absent.

18. To authorize the president of the Republic to leave the country, provided that his absence is not for over 2 months.

19. To receive and settle complaints lodged against officials who have been granted immunity.

20. To issue its internal statute and guidelines.

ELECTION

Article 129. The representatives shall be elected by popular, secret, and direct ballot, according to the proportional representation system in electoral districts established by the law.

IMMUNITY

Article 130. The representatives shall be exempted from responsibility for their views and votes cast in the National Assembly and are immune in accordance with the law.

BOARD OF DIRECTORS

Article 131. The National Assembly shall be presided over by a board of directors made up by a chairman, three deputy chairmen, and three secretaries.

COMMISSIONS

Article 132. The permanent commissions will be in charge of studying and ruling on bills that are submitted for consideration before the National Assembly.

The special commissions are in charge of conducting temporary duties that shall be determined by the National Assembly or proposed by the presidency.

The president of the National Assembly shall appoint these two kinds of commissions, following consultations with the board of directors.

PROCESS OF INTRODUCING BILLS

Article 133. The representatives to the National Assembly and the president of the Republic can introduce bills. The Supreme Court of Justice and the Supreme Electoral Council can also do so in subjects under their province.

BILLS INTRODUCED BY THE GOVERNMENT BRANCHES

Article 134. The bills introduced by the president of the Republic, the Supreme Court of Justice, and the Supreme Electoral Council in accordance with the previous article, will directly pass to commission. In the case of an urgent bill from the executive, the president of the National Assembly can immediately submit it to discussion in a plenary session if the bill has been presented to the various representatives 48 hours in advance.

PROCEDURE AND DEBATE

Article 135. The procedures to be followed with regard to the bills and debate in the National Assembly will be regulated by the General Statute and Regulations of the National Assembly.

VOTE AND APPROVAL

Article 136. The approval of bills, with the exception of the constitution and constitutional laws, will require the vote be of the majority of the representatives present. Once the bill is approved, it will be sent to the president of the Repbulic for its sanction, promulgation, and publication.

VETO

Article 137. The president of the Republic will have a 15-day period from the date of receipt of the bill to veto it totally or partially. If the executive does not exercise the right to veto and does not promulgate the law within the established period, the president of the National Assembly will order its publication.

TOTAL VETO

Article 138. A bill that is totally vetoed by the president of the Republic will return to the National Assembly through the secretariat for debate in a plenary session. The president of the Republic will state the reasons on which he bases his veto. If the executive's veto is rejected by 70 percent of the votes of the representatives, the National Assembly must sanction, promulgate, and publish the law.

PARTIAL VETO

Article 139. If the president of the Republic partially vetoes a bill, amending, deleting or adding to it, the bill will return to the National Assembly through the secretariat, providing the reasons for his objections. In all cases, the law will be sent to the president of the Republic for his sanction, promulgation, and publication. If he does not do so within 15 days, the procedures established here will be carried out.

CHAPTER III

EXECUTIVE POWER

EXERCISE

Article 140. The executive power will be exercised by the president of the Republic of Nicaragua. The president of the Republic is the chief of the state and the chief of the defense and security forces of the nation.

VICE PRESIDENT OF THE REPUBLIC

Article 141. The vice president of the Republic will carry out the functions that the president delegates to him and will replace him in his post in the case of a temporary or definite vacancy.

ELECTION

Article 142. The president and vice president will be elected by popular vote. Those who obtain a relative majority of votes will be elected.

QUALIFICATIONS

Article 143. The following requirements for president and vice president must be met:

a) Be a Nicaraguan citizen in good standing.

b) Be at least 25 years of age.

c) Be a layman.

TERM IN OFFICE

Article 144. The presidential term will be 6 years from the taking of the oath of office before the National Assembly. Presidents will have immunity [inmunidad] during their tenure.

REPLACEMENT DURING TEMPORARY ABSENCES

Article 145. In the event of simultaneous temporary absences of the president and vice president of the Republic, they will be replaced by the president of the National Assembly in accordance with the law.

REPLACEMENT IN THE EVENT OF PERMANENT ABSENCE

Article 146. In the event of the permanent absence of the president and vice president of the Republic, the National Assembly will determine the course of action to be followed.

PRESIDENTAL POWER

Article 147. The president of the Republic has the following powers:

1. Abide by and enforce the constitution and laws.

2. To exercise the power of proposing laws according to the provisions in this constitution.

3. To issue executive decrees with the force of law when these are:

a) Fiscal and administrative in nature.

b) Pertinent to international economic or political agreements, including those pertaining to the foreign debt.

c) To draft and present the general budget of the Republic in time of peace.

4. Appoint the minister delegates of government to the various geographical administrative divisions in the national territory.

5. Appoint the mayor of the nation's capital.

6. Assume the legislative powers the National Assembly will delegate during its periods of recess.

7. Direct the Republic's foreign relations and conclude international treaties, pacts, or agreements.

8. Decree a state of emergency in the cases outlined in this Constitution. The state of emergency must be ratified by the National Assembly within a period not exceeding 60 days.

9. Appoint and remove the ministers, deputy ministers, presidents of independent government agencies, and other government officials whose appointments or removals are not determined otherwise in the Constitution or the laws.

10. Appoint the chiefs of diplomatic missions.

11. Regulate laws totally or partially, according to their spirit or purpose.

12. Conclude contracts of national interest.

13. Declare war.

14. Confer honorary orders and decorations of a national character.

15. Direct the public administration.

16. Propose candidates to the National Assembly for the election of the magistrates of the Supreme Court of Justice and the Supreme Electoral Council.

17. Through the vice president, personally address reports or special messages to the National Assembly.

18. Others established by this constitution and the laws.

MINISTERS OF STATE

FUNCTION

Article 148. The president of the Republic, in the exercise of his functions, will be assisted by the ministers, vice ministers, presidents of autonomous agencies and other officials whom he considers advisable for a successful public administration.

QUALIFICATIONS

Article 149. To be minister, vice minister, president of an autonomous agency, one must be:

a) Nicaraguan.

b) Over 21.

c) Fully enjoying one's political and civil rights.

RESPONSIBILITY

Article 150. The ministers are responsible for their acts in accordance with this constitution and the laws.

NUMBER AND ORGANIZATION OF THE MINISTRIES

Article 151. The law will determine the number and organization of the ministries of state and autonomous agencies, as well as their respective provinces.

DUTY OF THE STATE WORKERS

Article 152. In the exercise of their functions, the public officials and employees must strictly fulfill their state duties.

The use of state resources for ends other than to fulfill public functions is strictly prohibited.

Any party activity must be conducted outside of work hours.

SECOND SECTION

COMPTROLLERSHIP GENERAL OF THE REPUBLIC

Article 153. The comptrollership general of the Republic has the responsibility of controlling, overseeing, and supervising the national or related revenues, expenses, and property, as well as the operations involving them.

ORGANIZATION AND OPERATION

Article 154. The law will determine the organization and operation of the comptrollership general of the Republic.

CHAPTER IV

JUDICIAL POWER

THE SOURCE OF JUSTICE

Article 155. Justice comes from the people and will be enforced in their name, and will be delegated by the judicial power, made up of the justice tribunals as established by law.

The justice tribunals form a unitary system the superior body of which is the Supreme Court of Justice, which presides over it. The jurisdiction of the tribunals belongs exclusively to the judicial power. Military matters are herein excluded.

GURARANTEE OF LAWFULNESS AND HUMAN RIGHTS

Article 156. The administration of justice guarantees the principle of legality and protects and guards human rights through the enforcement of the law in the matters or cases in its competence.

SUPREME COURT OF JUSTICE MAGISTRATES

Article 157. The requirements to be magistrate of the Supreme Court of Justice are:

a) To be a Nicaraguan citizen.

b) To be an attorney.

c) To be fully entitled to political and civil rights.

d) To be 25 years old.

Article 158. The magistrates of the Supreme Court of Justice will have immunity in acccordance with the law.

MEMBERS OF THE SUPREME COURT OF JUSTICE

Article 159. The Supreme Court of Justice will have seven magistrates appointed by the National Assembly from the 3-name slates proposed by the president of the republic.

Article 160. The duties of the Supreme Court of Justice are:

a) To organize and to direct the administration of justice.

b) To hear and resolve the ordinary appeals of the rulings of the tribunals of justice of the Republic, according to the procedures established by law.

c) To hear and resolve the appeals presented for violation of rights established in the constitution, according to the law of appeals.

ch) To hear and resolve the appeals of unconstitutionality of the law presented according to the constitution and the law of appeals.

d) To appoint the judges of the tribunals of the Republic, according to the procedures established by law.

e) To draft their own statutes.

f) To establish their internal organization and appoint the personnel for their offices.

g) Any other duties established by law.

INDEPENDENCE OF JUDGES

Article 161. The judges are independent in their judicial activities and must only obey the law. They will rule according to the principles of equality, openness to the public, and the right to free defense counsel.

PEOPLES PARTICIPATION

Article 162. The administration of justice will be organized and will function with the people's participation. The corresponding laws will determine this participation. The members of the tribunals of justice, whether or not they are attorneys, have equal power in performing their jurisdictional duties.

ENFORCEMENT OF RULINGS AND RESOLUTIONS

Article 163. State authorities, organizations, individuals, and corporations may not avoid enforcing rulings and resolutions issued by the judges and courts.

CHAPTER V

ELECTORAL POWER

DUTIES

Article 164. The organization, direction, and supervision of elections belongs exclusively to the electoral power.

COMPOSITION

Article 165. The electoral power comprises the CSE and other lower electoral organizations.

Article 166. The CSE shall be composed of five magistrates and their respective alternates whom the National Assembly shall select from 3-name slates proposed by the president of the Republic.

REQUIREMENTS

Article 167. The requirements to be a CSE magistrate are:

a) To be a Nicaraguan citizen.

b) To be fully entitled to political and citizen rights.

c) To be 25 years old.

Article 168. CSE magistrates shall have immunity in accordance with the law.

DUTIES

Article 169. The CSE will have the following duties:

a) Organize and oversee the elections established by the constitution and the electoral law.

b) Name members of all electoral organizations, in accordance with the law.

c) Implement constitutional and legal provisions regarding the electoral process.

ch) Have the final decision regarding rulings by lower electoral organizations.

d) Issue, in accordance with the law, the appropriate measures so the electoral processes are conducted under full guarantees.

e) Conduct the final count of ballots cast during elections.

f) Issue the final statement on the results of the elections.

g) Prepare the electoral calendar.

h) Organize and oversee plebiscites or referendums that may be called.

i) Issue its own regulations.

J) Perform other duties which the law may establish.

TITLE IX

POLITICAL ADMINISTRATIVE DIVISION

CHAPTER I

ON MUNICIPALITIES

CRITERIA FOR TERRITORIAL DEMARCATION

Article 170. For administrative purposes, the national territory will be demarcated into diverse geographical districts. To this effect, the following criteria shall be considered:

a) Strategic location, within the framework of the national defense and economy.

b) Cultural and productive function [vocacion].

c) Population density.

d) Extraordinary circumstances.

The law on this matter will determine the number of districts and their organization, structure, and function.

ON THE MUNICIPALITY

Article 171. The municipality, viewed as the basic unit for the country's political administrative division, shall be organized in accordance with the law. The government and administration of the municipalities is the responsibility of their authorities, who are entitled to their autonomy without detriment to the central government. The law shall regulate how these authorities are elected.

OVERALL DEVELOPMENT

Article 172. The state guarantees the establishment of overall development of all the regions of the Nicaraguan territory.

CHAPTER II

INDIAN POPULATION AND ATLANTIC COAST COMMUNITIES

RIGHTS OF THE INDIAN POPULATION AND ATLANTIC COAST COMMUNITIES

Article 173. The Indian populations and Atlantic Coast communities are entitled to live and develop under norms of social organization attuned with their historical and cultural traditions.

Therefore, the state guarantees to these populations and communities that they shall be entitled to utilize their natural resources, the implementation of their norms for communal property, and the free election of their authorities and representatives. Likewise, it guarantees the preservation of their cultures, languages, religions, and customs.

ORGANIZATION OF INDIAN POPULATIONS AND ATLANTIC COAST COMMUNITIES

Article 174. The state shall organize by means of all the autonomy regime in the areas where the Indian populations and Atlantic Coast communities live.

TITLE X

SUPREMACY OF THE CONSTITUTION, ITS CONSTITUTIONAL AMENDMENT LAWS [reforma-leyes]

CHAPTER I

ON THE POLITICAL CONSTITUTION

CHARTER

Article 175. The political constitution is the charter of the republic; all other laws are subject to it. Laws, treaties, decrees, regulations, orders, and provisions that counter or alter its provisions shall not be binding.

PRINCIPLE OF LEGALITY

Article 176. No state power, government body, or official will have any authority, faculties, or jurisdiction other than those which the constitution and, in accordance with it, the laws of the republic confer upon them.

CONSTITUTIONAL LAWS

Article 177. The Constitutional laws are: the Electoral Law, the Emergency Law, and the Law of Protection for Civil Rights, which are issued while the Nicaraguan Constitution is in force.

Article 178. The president of the republic can decree for a specific extendable period a state of emergency throughout all or part of the national territory; this measure must be ratified by the National Assembly within 60 days following the decree. In case of war, such a ratification is not necessary.

The Decree of the State of Emergency will put into effect the Emergency Law.

WHEN A NATIONAL EMERGENCY IS DECREED

Article 179. A State of Emergency can be declared:

a) In the imminent danger of a foreign invasion.

b) When the country is at war.

c) In case of natural disasters such as: earthquakes, floods, epidemics, and other public disasters.

ch) When, due to another circumstance, the defense of the peace or the security of the nation demands it.

GUARANTEES THAT CANNOT BE SUSPENDED

Article 180. The president of the republic cannot suspend the rights, duties, and guarantees established in articles: 29, 33, 38 (except for point b), 39, 40, 41, 42, 43, 44, 45, 46, 47, 49, 50, 51, 52, 53, 56, 57, 59, 60, 61, 62, 63, 64, 67 first paragraph, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80 (except point ch), 82, 83, 84, 85, 87, 88, and 89.

CHAPTER II

CONSTITUTIONAL CONTROL

APPEALS ON GROUNDS OF UNCONSTITUTIONALITY

Article 181. An appeal on grounds of unconstitutionality is established against any law, decree, or regulation that opposes what is established in the constitution.

BODY THAT HEARS THE APPEALS ON GROUNDS OF UNCONSTITUTIONALITY

Article 182. The Supreme Court of Justice is the body that is competent to hear appeals concerning unconstitutionality. The respective law will establish the procedures.

WHO CAN FILE UNCONSTITUTIONALITY APPEALS

Article 183. The following are empowered to file unconstitutionality appeals:

a) The president of the Republic.

b) The president of the National Assembly.

c) The president of the Supreme Electoral Council in matters under his jurisdiction.

ch) Thirty-five representatives to the National Assembly [as published].

d) The signatures of 10,000 citizens, duly authenticated in accordance with the law on this subject.

SEEKING PROTECTION OF CIVIL RIGHTS

Article 184. The right to seek proection of civil rights is established above any law, act, or resolution, and in general above any action or neglect of an official, authority, or agent who violates or tries to violate the rights and guarantees stipulated in the political constitution.

SEEKING PERSONAL PROTECTION OF CIVIL RIGHTS

Article 185. The personal protection of civil rights is established to favor those whose liberty, physical integrity, and security have been violated or are in danger of being violated.

LAW FOR THE PROTECTION OF CIVIL RIGHTS

Article 186. The law for the protection of civil rights shall regulate the proceedings established in this chapter.

CHAPTER III

CONSTITUTIONAL REFORM

POWER TO REFORM

Article 187. The National Assembly has the power to totally or partially reform this political constitution.

PARTIAL REFORMS

Article 188. The president of the Republic or 32 representatives of the National Assembly shall have the power to make partial reforms. The procedure for a partial reform is the following:

a.) The reform proposal must include the articles to be reformed and a list of the reasons supporting the reforms.

b.) Such a proposal shall be sent to a special commission that will be appointed by the president of the National Assembly.

c.) The commission shall give its report within a 60-day period.

ch.) Once the report has been presented, the assembly shall begin to discuss it by means of the established proceedings for the creation of laws. Such reforms must be approved by 60 percent of the members of the National Assembly.

TOTAL REFORMS

Article 189. One more than half of the representatives in the National Assembly shall have the power to make total reforms, and they shall follow the same established proceedings as in the previous article regarding its presentation with the following modifications:

a) For its approval, two thirds of the members of the National Assembly will be required.

b) Once the total reform has been approved, the National Assembly shall set a date for the election of a national constituent assembly.

c.) As long as a new constitution is not approved by a national constituent assembly, the current constitution shall remain in effect.

VETO

Article 190. The president of the Republic shall have the right to veto, according to what has been established in the constitution.

REFORMS TO CONSTITUTIONAL LAWS

Article 191. The same rules shall apply for reforming constitutional laws.

TITLE XI

FINAL AND PROVISIONAL DISPOSITIONS

SOLE CHAPTER

DURATION

Article 192. This constitution will be implemented from the date on which it is published in the Official Gazette and it will abolish the Republic's Fundamental Statute, the Statute of Rights and Guarantees of the Nicaraguan people, and all other legal dispositions that are not in accord with the new constitution.

DISSEMINATION OF THE CONSTITUTION

Article 193. The constitution will have ample dissemination in the official language and will also be translated into the Atlantic Coast dialects for its dissemination.

JUDICIAL ORDER

Article 194. As long as it is not amended or abolished, the current judicial order will continue to be implemented as it is in accord with this constitution.

ORGANIZATION OF THE JUDICIAL BRANCH

Article 195. The structure and organization of the current judicial branch will continue to be enforced as long as the law that establishes its new organization is not drafted.

CURRENT ADMINISTRATIVE POLITICAL DIVISION OF THE COUNTRY

Article 196. The current administrative political division of the national territory will continue until a law regarding this matter is drafted.

TERM IN OFFICE

Article 197. The president, vice president, as well as the representatives in the National Assembly elected on 4 November 1984 will continue in their office for the period that ends on 10 and 9 January 1991, respectively.

COPIES

Article 198. Four copies of this constitution will be signed by the National Assembly president and representatives and by the president of the Republic. The copies will be kept at the presidencies of the National Assembly, the Supreme Court of Justice, the Supreme Electoral Council, and the presidency of the Republic. Each will be kept as authentic texts of the Nicaraguan constitution. The president of the Republic will have it published in the Official Gazette.

GATT DEBATES CONDEMN U.S. TRADE POLICIES

FL171659 Havana Radio Reloj Network in Spanish 1413 GMT 17 Sep 86

[Excerpt] The third working day at the GATT meeting in Punta del Este, Uruguay, began today with two series of debates condemning the United States. Local sources agree that during the first two meetings, influential underdeveloped countries harshly criticized the trade policies and proposals presented at GATT by the U.S. delegation. The Group of 10 -- Cuba, Peru, Nicaragua, Brazil, India, Egypt, Tanzania, Kenya, Zimbabwe, and Yugoslavia -- responded to the aggressive U.S. declarations.

French Trade Minister Michel Noir reiterated that his country does not accept the inclusion of the topic of agricutural subsidies which harm underdeveloped countries as reported by 14 so-called Third World agricutural countries. Cuba, India, Nicaragua, and Peru reiterated the declarations made at the recently concluded nonaligned countries summit on the prohibition at this meeting of the so-called new topics. The United States is trying to introduce non-traditional topics at the GATT meeting and has been harshly criticized because of this and because of its protectionist policy which harms the trade relations of underdeveloped countries. [passage omitted]

REPORTAGE ON PRC PARLIAMENTARIANS' VISIT

Delegation Arrives in Havana

FL171812 Havana Television Service in Spanish 1700 GMT 17 Sep 86

[Excerpt] A PRC delegation of parliamentarians headed by Deputy Zeng Tao arrived today in Havana. The delegation is touring Latin America including Uruguay and Panama. They will be in Havana until 24 September. During his stay in Cuba, Zeng Tao will meet with Flavio Bravo Pardo, president of the National Assembly of the People's Government, as well as other government personalities. [passage omitted]

Visits Foreign Ministry

FL181825 Havana Television Service in Spanish 1700 GMT 18 Sep 86

[Text] A delegation from the PRC National Peoples' Congress, presided over by Deputy Zeng Tao, has met in the Foreign Ministry headquarters with Foreign Vice Minister Comrade Giraldo Mazola. Deputy Zeng Tao conveyed a greeting from National People's Congress President Peng Zhen. For his part, the Cuban vice minister welcomed the visitors and expressed his satisfaction with the meeting.

The Chinese deputies also met with Flavio Bravo, president of the National Assembly of the Peoples' Government [ANPP], at ANPP headquarters. Bravo explained ANPP tasks to the deputies as well as details of the current renewal process of the Peoples' Government organs, and stressed their democratic character, citing the complete participation of the masses.

DIPLOMATIC RELATIONS REESTABLISHED WITH CUBA

PA180022 Buenos Aires REUTER in Spanish 1510 GMT 17 Sep 86

[Excerpts] Santo Domingo, 17 Sep (REUTER) -- The Chamber of Deputies today issued a resolution proposing the reestablishment of diplomatic relations between the Dominican Republic and Cuba, which were interrupted more than 20 years ago.

Mario Read Vittini, legal adviser of the executive branch, imediately reacted to this proposal saying that President Joaquin Balaguer will have the final word on this resolution. [passage omitted]

The resolution was unanimously approved by the members of the Chamber of Deputies, the majority of whom belong to Balaguer's party, the Reformist Party. The Chamber claims that the reestablishment of commercial and diplomatic ties between the two countries is a matter of "national interest." [passage omitted]

BRIEFS

PRESIDENT RECEIVES NEW AMBASSADORS -- President Joaquin Balaguer yesterday received in solemn audiences the new ambassadors from Israel and Spain, who presented their credentials to the head of state in separate ceremonies in the hall of ambassadors of the National Palace. The new diplomats accredited to the Dominican Government are Shmuel Teveth from Israel and Don Luis Marinas Otero from Spain. [Excerpt] [Santo Domingo Listin Diario in Spanish 6 Sep p 48 FL]